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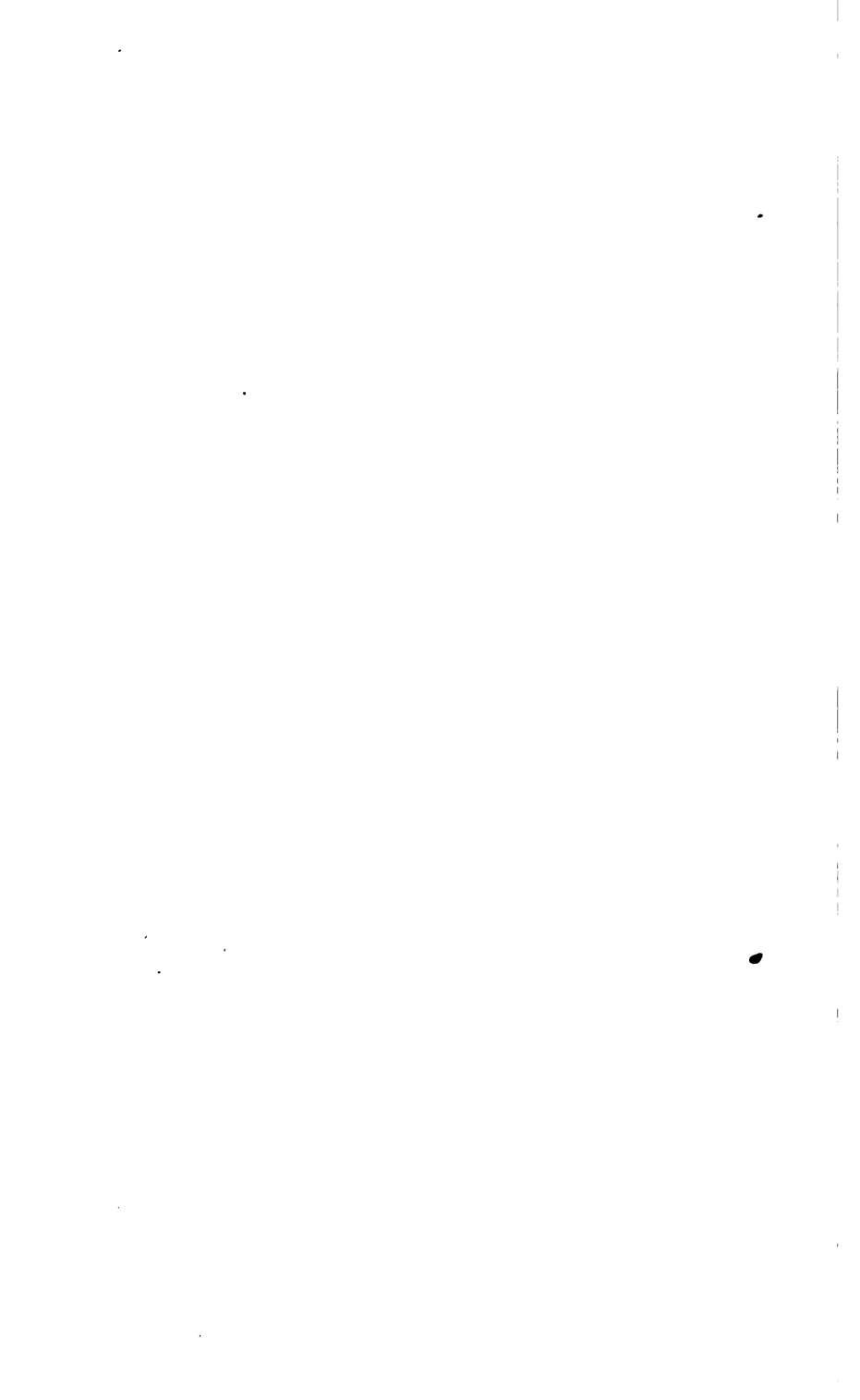
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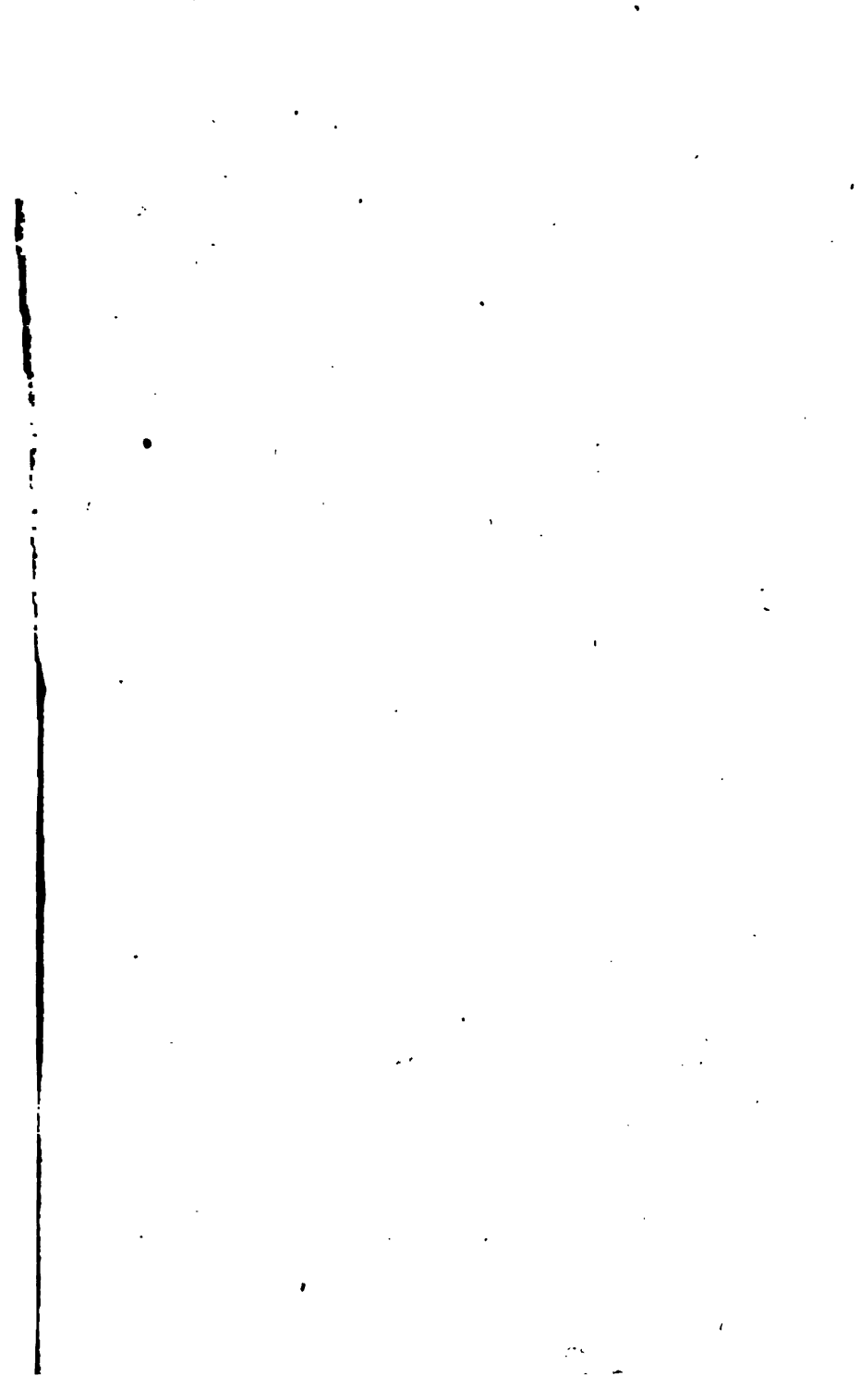
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NON - CIRCULATING







From an original Bust by Liotard



Richard Brinsley Sheridan, Esq., M.P.

Published by J. T. Chapman, 15, Fleet Street, June 18, 1840.

AN
IMPARTIAL REPORT
OF THE
DEBATES

THAT OCCUR IN THE
TWO HOUSES OF PARLIAMENT,

In the Course of the Fourth Session of the Seventeenth Parliament
of Great Britain, called to meet at Westminster, on
Tuesday the 21st of January 1794.

WITH
SOME ACCOUNT OF THE RESPECTIVE SPEAKERS,

AND
NOTES AND ILLUSTRATIONS.

INCLUDING COPIES OF ALL
STATE PAPERS, TREATIES, CONVENTIONS, &c.

By WILLIAM WOODFALL,
AND ASSISTANTS.

VOL. III.

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WOODFALL'S

PARLIAMENTARY REPORTS.

HOUSE OF LORDS.

TUESDAY, APRIL 1, 1794.

IN a Committee, went through the Alien Bill, the Whale Fishery Bill, and the Callico Bill.

Mr. Hobart, Sir William Heathcote, and others, brought up the New Militia Bill, the Abingdon Paving Bill, one Road, one Naturalization, and six Inclosure Bills.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, April 1.

Rellick's Naturalization and the Empingham Inclosure Bills were read the third time, and passed.

Mr. Popham moved, "That leave be given to bring in a Bill for the better taking of special Bail in Actions and Suits depending in the Court of Session in the County Palatine of Lancaster."—Granted.

SINECURE PLACES.

Mr. Harrison gave notice, that on Tuesday next he should move for leave to bring in a Bill for appropriating certain emoluments, pensions, and sinecure places for the service of the Public, according to the disposition of Parliament, during the present war: He meant to include in this regulation certain efficient places to a certain amount, and of a certain description, as well as sinecures.

Mr. Burke said, he hoped we should have some other efficient resources for carrying on the war.

VOLUNTEER BILL.

The Chancellor of the Exchequer moved the Order of the Day, for the House to resolve itself into a Committee of the whole House, on the Bill for the encouragement of such men as shall voluntarily enrol themselves for the general defence of the kingdom during the present war.

Mr. Francis wished to know, whether, if this Bill passed, it was understood that subscriptions for raising troops would be held to be sanctioned by Parliament?

The Chancellor of the Exchequer said, there was no declaration in this Bill on the subject; but he had not the smallest difficulty in saying, that when the corps was enlisted, he had no doubt that the application of any subscription towards forming that corps would be secured by the Bill.

Mr. Serjeant Adair said, it was his intention to offer on the report, a clause expressly to authorise subscriptions, to remove doubts on the law as it now stood, and that, without glancing at that question either the one way or the other.

The Chancellor of the Exchequer conceived such clause to be unnecessary, and said he should therefore oppose it.

Mr. Francis complained of a practice, which, in his opinion, militated against the freedom of debate, and in which both sides of the House were perhaps equally blameable: It was of importance in the proceedings of the House, and he felt personally the force of it: He meant the custom which men of great talents for eloquence adopted, of making very long, and sometimes very tedious, speeches; the consequence of which was, that if a Member, not remarkable for such powers, wished to deliver his sentiments, he had no attention paid to him, although his speech might have the best of all qualities in it—that of brevity. Had he been able to obtain a hearing on that night when they were discussing the propriety of the House receiving pecuniary aids through any other medium or sanction than that of Parliament, it was his intention to have endeavoured to shew, that they argued upon improper ground, when they took that of precedent instead of principle, upon which alone the House should form their decision. Whatever Parliament might have decided upon former occasions, might very fairly be urged in aid of other arguments, but should form no rule or standard for every future decision. Great as was the power of Parliament, he was far from thinking it omnipotent, as it must be ever subject to the rules of general justice: But of still less importance were those precedents drawn from the conduct of particular persons whilst in office. What had he to do, what had that House to do, with the opinion or the conduct of individuals at different times, when the point before them related to the spirit of the constitution? Of what importance was it to any Member of that House, wishing to judge for himself, what was thought or done in the year 1782, or any other year, by Mr. Fox, or Mr. Pitt, or the Earl of Shelburne, or the Marquis of Rockingham, or Lord North, or any other man? The duty of every Member of that House was to

to form his judgment and decide for himself ; and having done so, he was of opinion that the measure of raising troops in any way, or the levying of money in any manner, on the people, but by the Commons in Parliament, was unconstitutional and dangerous. This point he illustrated by various arguments, and warned the House of the dangerous extent to which such a practice might lead. He added, that if the necessary supply was demanded in the regular Parliamentary form, he was one of those who would readily agree to a much greater sum than was likely to be raised in the circuitous and suspicious manner that formed the essence of the measure of the day.

Mr. Fox regretted that it became necessary for him to advert to what had been said on several parts of this subject, particularly after the rebuke he, in common with Gentlemen on both sides, too justly received from his Hon. Friend ; but the manner in which the business of 1782 had been brought forward by the Attorney General on a former debate, imposed a duty on him which he was compelled to discharge. *Mr. Fox* entered into the nature, meaning, and extent of the circular letter of the Earl of Shelburne, in May 1782, and also of his own conduct in 1782, and desired any person to shew the inconsistency of them. He defended the character of the Marquis of Rockingham, who had joined with him in the measure of Administration in 1782, in which he must again repeat, what he had so often said, that there was not one word of a subscription stated, suggested, or hinted at in any part of the letter ; the plan was totally different ; it was to take the advice of mayors, magistrates of towns, and county officers, upon the plain question, Whether it was practicable and safe to arm the people ? And no one man was to be paid, nor could they be subject to military law ; for those who came in the morning were at liberty to go away again at night. It was nothing more than simply to teach such of them the use of arms as desired to be taught. He had no objection ; nay, he wished the subject should be revived and discussed again, for the Attorney General had brought six or seven answers to the letter of the Earl of Shelburne, to shew what he called the general sense of the country on that letter ; and then he had chosen to conclude, that whatever the framers of the letter might think, the people at large thought a subscription was to be opened in consequence of it. What was here called the *general sense* of the country, was taken from *seven* or *eight* answers, selected from the Treasury, out of the mass of answers from the country, amounting in number to *one hundred and forty*. He wished, therefore, the whole of these answers to be produced, and the subject again discussed, that the Public might have an opportunity

nity of judging fairly on that point, whether the Administration of 1782 had in any one thing countenanced any thing like a subscription. The only thing in which money was talked of at all, was that of paying some labouring men; for their loss of time, some trifle. He believed that if the 140 answers he alluded to were produced, they would lead to a very different conclusion from that which was drawn by the Attorney General, from the partial extracts, consisting of seven or eight, the most favourable to his purpose. For this reason he wished the discussion to be revived.

Mr. Burke said, that a long speech on a subject where a man had not good materials, was a dangerous thing—

Solid men of Boston, make no long potations ;
Solid men of Boston, make no long orations.

He should endeavour to profit by this advice. At the period alluded to, *Mr. Fox* must know, that though he held an office supposed to be very high and very advantageous, yet he was as completely ignorant of what was passing in the Cabinet as any man in England. He was then very fully employed in drawing up voluminous reports on the affairs of India, and also in a laborious investigation into the details of the public offices. These, together with the severe and arduous duties of his own department, left him but very little time to attend to any other business; and as to the present transaction, he protested that the smallest trace of it did not remain upon his memory. He must, however, say, from his private and intimate knowledge of the illustrious Marquis of Rockingham, that no man was more incapable of concurring in any thing which he thought to be unconstitutional.

Mr. Sheridan felt himself much disappointed in that kind of defence which he had a right to expect from *Mr. Burke*, of the conduct of the Marquis of Rockingham, and supposed, that the injunction against "long orations" was not the only moral precept in that system of ethics alluded to, which served to regulate the conduct of that Right Hon. Gentleman. He would take the liberty to remind him of another passage in the same approved writer, in which he says—

Now it hapt in the country he went for a blessing ;
And from his new daddy to get a new lesson,
He went to daddy Jenky, by Trimmer Hal attended :
In such company, good lack ! how his morals must be mended !

He observed, that *Mr. Fox* had mentioned the justification of the Noble Marquis to have been one of his chief motives for entering into the explanation; whereas *Mr. Burke* was contented to declare his ignorance of the proceeding, and leave
the

the memory of the Marquis of Rockingham to be defended by others. He charged Mr. Burke with inconsistency, in complaining of the place which he formerly held, and the loss of which he bewailed immediately after the Administration to which he belonged was dismissed. He called to his remembrance the speech which he made upon that occasion, with a professed sensibility of regret in the loss of all the enjoyments of which he was deprived, and amongst others the music of *drums* and *fifes*, which regularly afforded him a morning serenade. Returning to the subject, he said, he wondered that the Right Hon. Gentleman should not have thought as much of defending the Marquis on general grounds; He had at least as much reason for it as Mr. Fox. He then made several observations on Mr. Burke's memory, and afterwards proceeded to state how shameful it would be, if the minister should, as it were, give a brief to the Attorney General from the Treasury, with these garbled extracts of answers to Lord Shelburne's letter, and then that these extracts were to be printed in a ministerial paper at length, as a proof of all that happened in the year 1782, when it was known that the answers were in all 140, and that these seven or eight were merely selected for a Treasury purpose: All this to impose on the Public.

He wished the Right Hon. Gentleman opposite him would add one more retraction to what he had already made, and consent to the production of those papers; then it would be found how different the circumstances were in the year 1782 from what they were at present. At that time the measure of requiring the people to take up arms for their own defence was deemed too democratic; so far from being thought to increase the influence of the Crown, it was said to be similar to the plan of the volunteers of Ireland; and would any one say that the Irish volunteers had increased the influence of the Crown? The measure of the year 1778 was one which had very justly been condemned.

Mr. Burke returned his sincere thanks to the *philosopher* for those moral instructions which he was so kind as to convey to him, and of which he said he should not fail to profit, from a conviction of how much the value of moral lessons was enhanced, by being so well exemplified in the life and actions of the preacher. That man must, indeed, know little of morality, who was not conscious that the longest life was too short for the attainment of its perfection; and he who practised morals with the most delicate observance, would find sufficient imperfections to prevent him from boasting of it. Without subjecting himself, however, to the imputation of vanity, he hoped

hoped he might so far rely upon his moral character, as to suppose that it could receive neither diminution nor addition from any testimony which the Hon. Gentleman might bear towards it.

There were but two other points, of which he should take any notice. First, what was said of his dislike to official situation; and secondly, the inattention of which he was accused to the vindication of the Marquis of Rockingham. To the first he would say, that he never professed himself indifferent to the emoluments of official situation, or to the rank or patronage that it afforded; and that, both in public and private, he had always condemned the ridiculous jargon of those who affected the contrary. To the second he would only observe, that though some charges of inconsistency had been made against the Right Hon. Gentleman opposite to him, for his present opinions, he never had heard any made against the late Marquis of Rockingham.

Mr. Sheridan declared, that it was a great mistake to suppose that he had either intended, or made any attack upon the morality of the Right Hon. Gentleman who had just sat down; if his words had been attended to, it would appear that he supposed him to possess it in such superabundance, that he might even spare some part of it for the Right Hon. Gentlemen that surrounded him. [*Mr. Burke* was sitting upon the Treasury Bench.] In speaking of his official situation, he did no more than repeat his own expressions; and if the Right Hon. Gentleman had attended to the last debate, he would have heard direct charges of inconsistency brought against the Marquis of Rockingham.

Mr. Burke said, that being otherwise diligently employed in fulfilling the duty imposed upon him by the House, there were only one or two subjects upon which he attended its debates; though, by way of extraordinary inducement, the Hon. Gentleman always held out to him the *douceur* of having, upon every occasion, the whole conduct of his life ripped up and ransacked. Recurring to the official situation which he at one time held, while the Hon. Gentleman was Secretary to the Treasury, he declared it to be so irksome to him, on account of the neglect of others, that it was with much difficulty he was prevented from throwing it up, nor would any consideration induce him willingly to pass so disagreeable a time again. He concluded with a censure of *Mr. Sheridan*, in arraighing the morality of a man of whom he knew so little.

The Chancellor of the Exchequer defended the Attorney General in the use which he had made of the answers sent to Lord Shel-

Shelburne's letter, observing that the measure, in general, was not much noticed or acted upon in the country; and it was sufficient if, in the few places where any proceedings were held upon it, the general understanding was, that a free contribution was solicited. He expressed an indifference as to the epithets that had been applied to him, and remained of his former opinion on the subject. He maintained that by this plan, on the confession of the Right Hon. Gentleman himself (Mr. Fox), money was to have been given to some of the persons who were to assemble under it; for this no provision was made by Parliament. He wished to know how much less that was than a subscription? and as to the number being only seven or eight, he had only been apprized of the thing at all after the debate began; and it was not to the number of the answers, but to the principle they proceeded upon, that attention ought to be directed.

Mr. Rolle said, that in the county to which he belonged, a meeting was held upon Lord Shelburne's letters, and a subscription entered into.

The question for committing the Bill was then put and carried, and Mr. Hobart took the Chair.

The Chancellor of the Exchequer observed, that the most material difference between this Bill and that of 1782 was, that it extended to the cases of internal riot and tumult, and of imminent danger of invasion. The reasons of this further latitude he had before submitted to the House as essentially connected with the principles of the Bill, and it would therefore be unnecessary for him to advert to them in the Committee. In this stage, however, it was proper to mention some modifications which had occurred to him on the suggestions of various Gentlemen, as well as upon his own reflection. He thought it likewise more expedient to bring them forward as amendments rather than as clauses, to be afterwards added to the Bill, as in the first case they might be reprinted with the Bill, and thereby be more generally discussed.

1. He meant to propose that no one, inrolling himself in any of these Volunteer Corps, should be compelled to serve in any other case, or on any other terms than those expressed in the conditions of the inrollment.

2. That all persons so inrolled should be exempt from any ballot for the militia that may occur during the time of such inrollment.

3. That the sergeants, corporals, and drummers should be liable to be billeted, in the same manner as they are in the militia, though the corps is not called out.

4. That when his Majesty shall think fit so to require, the arms, &c. shall be delivered up.

5. That all Court Martials, when they are called out, shall consist only of officers belonging to Volunteer Corps.

Mr. Sheridan wished to know if inrollment was to be considered as tantamount to insisting. And if, in consequence, a person inrolled could be obliged to march when the requisition was made? He thought the extension of the Act to the cases of riot and tumult to be not only unnecessary, but inconsistent with the preamble of the Mutiny Act. Military aid to the civil magistrate was unknown to the constitution, though so much resorted to of late. He wished also to know if those corps would be under martial law, if a sheriff chose to call them out on any paltry riot?

The Chancellor of the Exchequer said, the Bill would contain no power to compel the corps to march even when called on; it was thought sufficient to trust to the spirit of Englishmen, and the obligation they themselves would feel from the engagement they had made. When, however, they did march, they would be considered on actual service, receive pay, and be subject to military discipline. He conceived, that it was highly proper to extend the provisions of the Act to cases of riot and tumult. If they existed in any town, or in the country, for what imaginable reason should we debar ourselves from the power of resorting to such a ready and efficacious mode of quelling them?

The old doctrine against standing armies was, in his opinion, totally inapplicable to a force so differently constituted as an useful volunteer association, which could not be compelled to act without its own consent. Though the sheriff might call on them to suppress riots and tumults, that was no new authority; it was in some instances short of the power which the constitution already gave in the same cases, as the sheriff might at present call the *posse comitatus* out, and compel the service of each individual in the county to suppress any disturbance of the peace.

The present Bill only extended their authority to adjoining counties; and this, he thought, none could oppose, who considered that the only chance of success which our enemies could have in case of an invasion, was by a co-operation with some internal disturbance.

He wished it therefore to be generally known in the country, that the security and protection of the kingdom depended as much on the existence of such a force in large manufacturing towns, and the interior of the country, as on the sea coast.

In answer to the inquiry, How long, when called out, they are to continue under military law? he said; only while they continued in pay; when they returned to their towns and districts, under the words of the Act, they would instantly be released from the operations of that law.

The Chancellor of the Exchequer, adverting to something which fell from Mr. Honeywood relative to the magistrates of Kent, said, that he understood those magistrates had acted in a way which fully explained the matter, and cleared their character from any imputation whatever. They had reasons to think that very improper steps had been taken in that county, and some letters came to their hands under circumstances of strong suspicion. They did not, however, open them, as had been asserted, but sent one of them to the person to whom it was addressed, and waited for his information of its contents, which proved, indeed, of the innocent and amusing nature (a *Valentine*) alluded to. Another letter having an address totally illegible, they conceived themselves warranted in opening, as it was as likely to belong to them as any other person. These facts he thought himself bound to state, as the insinuations and remarks which had been made on the subject had given some uneasiness to very respectable gentlemen, whose activity and vigilance were highly commendable.

Mr. Honeywood disclaimed all idea of censuring the magistrates, but said he had only stated facts on that subject.

Mr. Sheridan thought it no light matter, for the first time, to lend a sanction to calling in military aid to the civil power, and was sorry to hear the Right Hon. Gentleman conceived that any danger whatever was possible to arise from the interior of the kingdom. He himself saw no great cause of fear from the attempts of France, but none at all from any co-operation which they were likely to receive in this country. If, however, the power of calling out these corps to suppress riots only, was to exist while there was a rebellion, or the appearance of it, he should not have objected to it.

The Solicitor General (Mr. Mitford) thought this Bill perfectly consistent with the true principles of the constitution. On all similar occasions the sheriff might raise the *posse comitatus*; and in ancient times assizes of arms and commissions of array took place at the direction of the Crown, though now they had fallen into disuse. The present mode of arming the gentry and yeomanry of the kingdom was therefore not new, and was in fact only arming property for its own protection.

Mr. Sheridan observed, that the *posse comitatus* was not under his Majesty's command, nor governed by officers of his appointment, and this undoubtedly constituted a material difference. He should have thought it would have been sufficient to revive the ancient practice of commission of array and assizes of arms.

The Solicitor General said, these commissions and assizes were dispersed on the authority and at the discretion of the King, and that the sheriff might compel any soldier or officer, of any rank within his county, to assist him in case of riots.

Mr. Sheridan asked, if a soldier might quit his corps on the requisition of the sheriff, without incurring the penalties of desertion; or if he could do so in disobedience to the commands of his superior officer?

The Solicitor General thought he might by the Common Law; but how far the Mutiny Act had altered it in that respect, he was not then prepared to say.

General Smith conceived that by the provisions of the Bill, volunteers had only to refuse pay, and then they would no longer be subjected to martial law. He thought such power being known to exist in the country, would prevent riots and tumults, as well as repress them, if they should arise.

The Chancellor of the Exchequer said, the Hon. General would on further consideration see that, under this conception of the Bill, more inconvenience than advantage would result; and so different was his opinion of the operation and intention of the Bill, that he could not refrain from expressing it. These corps were to march only under the obligation of honour, and their own promise; but when once they had marched they would be under military discipline while they continued in pay, and they would remain in pay as long as Government in its discretion, subject as in all other cases to responsibility, should think proper.

General Smith said, an army under his command in India once refused to receive pay, and thought themselves in consequence released from military obedience; he therefore thought that the opinions of lawyers should be taken on the subject.

The Chancellor of the Exchequer declared, that if he had any doubt on the point, he should readily avail himself of the assistance of learned men; but under the Mutiny Bill it was clear, that a soldier enlisted, and becoming liable to receive pay, was subject to the rules of martial law, without any power of releasing himself from that subjection.

Sergeant

Serjeant Adair concurred with the Right Hon. Gentleman on the operation of the Mutiny Bill. He thought it not sufficiently clear, whether, if a corps be called out in case of riot, it is liable to be continued in arms during the war. As this was not the intention of the Act, he conceived that it would be advisable to specify in the clause relating to this subject—"That they should only receive pay while they continued in the service on which they were called out." He thought also, that if it were meant to leave it at the option of the corps to march or not, it should be explicitly said, because, under the words of the Bill as it stood at present, he had some doubts whether it was at their option.

The Chancellor of the Exchequer said, it was meant only to rely on the duty of fulfilling their promise as to their marching, and he could not conceive that any doubt of their being able to chuse on that subject free from the coercion of any law could arise. The Mutiny Bill would only attach on them when they actually had marched, and could therefore compel them to march. The words of the present Bill were to the same effect.

The Committee then went through the various clauses and amendments; after which the Bill was reported, ordered to be printed, and the report to be taken into further consideration on Friday the 4th of April.

FRENCHMEN IN THE PAY OF GREAT BRITAIN.

The Chancellor of the Exchequer said, he was sorry the House was not fuller, but he must give notice of a subject of considerable importance. It might in the course of the next campaign become advisable for his Majesty to avail himself on the continent of the assistance of Frenchmen who were willing to be employed in his Majesty's service there, and that this was likely to be to a very considerable extent; he should therefore move for leave to bring in a Bill on Friday, the 4th, for that purpose.

Mr. Sheridan said, this seemed to him to be as alarming a proposition as any he ever heard; he wished the notice had been given in a fuller House.

The Chancellor of the Exchequer said, the Bill he intended to move for would limit the number, and describe those who were to be the objects of it, as well as the continuance of their employment.

The Bill for regulating the duty on Bills of Exchange, after a short conversation between Mr. Hufsey, Mr. Serjeant Adair, the Solicitor General, and Mr. Vaughan (the latter Gentleman wished the Bill to be printed, and the Members for the
City

City of London to attend to it), passed the Committee; and the report was ordered to be received to-morrow.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, *April 2.*

Major Maitland said, that in order to give time to the minister to consider the subject fully, he should defer the motion he intended to make on the 3d instant to the 10th, but on the 3d he should move for the Papers already mentioned by his Honourable Friend, Mr. Grey, relative to the last campaign.

The Bill to indemnify the Governors, &c. of the West Indies, for having permitted the Importation and Exportation of Goods in Foreign Bottoms, was reported, and ordered to be engrossed.

As was also the Bill for regulating the Stamp Duty on Bills of Exchange.

The Bill for laying a new Duty on Slates and Stones passed the Committee, after a short conversation; and the Report was ordered to be received on Monday the 7th.

The Bill for raising Money on Exchequer Bills was read a second time, and ordered to be committed the 3d.

The Newfoundland Judicature Bill was read a second time, and ordered to be committed on Friday the 4th.

The Committees of Supply and of Ways and Means were deferred to Friday the 4th.

Heard Counsel on the Eau Brink Drainage Bill.

Adjourned.

HOUSE OF LORDS.

THURSDAY, *April 3.*

CIRCULAR LETTER OF THE SECRETARY OF STATE TO LORD LIEUTENANTS OF COUNTIES.

The Marquis of Lansdown said, he was extremely sorry that he had been absent the other day, when he learnt that the circular letter to Lord Lieutenants of counties, Mayors and Magistrates of towns, &c. to which he had the honour to subscribe his name as Secretary of State in 1782, had been brought under discussion both in that House and in another place. He did assure their Lordships that he spoke with great reverence to both Houses, when he said, that he had kept away by an accidental, and in fact a trifling circumstance, as the Noble Duke

near him (the Duke of Grafton) well knew, as he had the honour of a conversation with him that morning. He should have been extremely glad to learn, that the measure of 1782, as constitutional an act as ever Government adopted, should be compared with the present measure of Government, which, to say the least, is a measure of a very different character. The Marquis declared, he had availed himself of the first opportunity that offered of their Lordships being summoned to state to them the cause of his absence on the former day, and to express his extreme anxiousness to argue the two cases distinctly and clearly; and therefore gave notice, that he meant to submit the subject in some new shape to their Lordships' reconsideration. He would not name a day, because he understood that a Bill, to which the subject naturally referred, had been reported the preceding day in another House, which in all probability might be expected in that House towards the end of the next week. If accident had not entirely prevented him from attending the other day, when the subject he had alluded to was discussed, he should have given as decided a vote against this last measure of Government as ever he did in his life: For he had no party to adhere to, nor any temptation whatever to depart from the principles he always avowed, and which it was the pride of his life to maintain. The Marquis added, that when the day of discussion arrived, he flattered himself he should be able to shew, that there was as broad a distinction between the present measure and that of 1782, as between the most constitutional measure ever adopted, and one of the most irregular and unwarrantable in the reign of Charles the First.

Lord Grenville said, it was equally indifferent to him as to the course the Noble Marquis should be pleased to take, or in what manner he meant to bring the subject alluded to again under consideration; he would reserve himself for that occasion, and had no doubt but that he should be able to shew the propriety, justice, and truth of the resolution to which their Lordships had come on the late debate respecting it, and of the soundness of the principles then maintained; and therefore he did not imagine, that they would find any reason to depart from the opinion that House had so recently pronounced, or act with the smallest degree of inconsistency.

NAVIGATION LAWS.

Lord Hawkebury moved the Order of the Day, which having been read, his Lordship said, he had taken the liberty to have their Lordships summoned for that day, in order to submit to them a proposition relative to a very material point, the laws

laws respecting the navigation of this country; a subject of the utmost importance, as it was closely connected with the naval power of Great Britain, and of which our ancestors were so sensible, that it had, at all times, called forth their particular care. The system of those laws, on which so much depended, on being referred to, would be found to have been gradually established by our ancestors, whose wisdom in all their proceedings was most apparent. They well knew that a system so important was not to be established in a moment, that it could only rise to perfection by slow degrees, and that it must necessarily be a work of time. His Lordship pointed out the various and manifold advantages that must result to this country, as a maritime and commercial power, from a due and timely attention to her mercantile marine. His Lordship took a review of the Navigation Laws, from the time of Richard II. to the present period, and pointed out the improvements that had been progressively made. As the laws now stood, all ships importing into this country the produce of Asia, Africa, and America, and of Russia and Turkey, must be built in the British dominions; as vessels, made free of the British ports, and three-fourths of the sailors employed in navigating any such ships during peace, must be British sailors; by these means we not only extended our trade, but also provided such a number of sailors for the service of the country in time of war as could not otherwise be collected. After dwelling for some time upon these principles and regulations under the existing laws upon the subject, his Lordship said, the particular occasion of his coming forward to trouble the House, was a circumstance that had recently occurred within his own knowledge. A ship laden with gunpowder, having no other British subject on board than the Master, had come into Cowes, in the Isle of Wight; the ship had been very properly stopped, and the Custom-house officer had reported the circumstances immediately to Government; and it turned out that the ship had been freighted from a port in Holland with gunpowder for the sole use of the King of Sardinia, and that upon a reference to the statutes, the ship being a British bottom, it was not requisite for her to have more than a British Master on board, and that she might be navigated by foreign mariners. This, considering the vast importance of our doing every thing to render our system of Navigation Laws perfect, seemed to be an evil that called for a remedy; and therefore he meant, before he sat down, to present a Bill to oblige all British ships to be navigated by three-fourths of British mariners, and unless they were so navigated, not to be entitled to the privileges of British ships. He meant the Bill by no means to take effect

till

till the end of the present war, when, as so many thousands of British seamen would be discharged from his Majesty's navy, it would be highly necessary to provide a means of exerting their professional abilities, at once useful to the country, and useful to them.

The next point he meant to introduce a clause about was, the ships employed in our coasting trade. As the law stood respecting them at present, they were obliged to be manned with three-fourths British mariners, and one-fourth foreigners. His intention was to introduce a clause, obliging coasting ships, after the conclusion of the war, to be manned entirely with British mariners, because he did not think it consistent with policy to suffer foreigners to become too intimately acquainted with our coasts, and because, as the coasting navigation was the great source of seamen when wanted for the defence of the country, it ought to be particularly the object of Parliamentary attention.

Another clause of great importance was, that which concerned the out-going ships with the freedom of the British ports; by this we were enabled to know at any time the number of ships belonging to this country, their measurement, the number of sailors employed in them, a particular description of them, and the names of all the owners of each ship. Nothing could exceed the utility of such a register; it extended to the sale of such ships as are free of the British ports; but in this it was defective; for though it obliged the parties to make a certificate of the sale, in order that it might enjoy the privileges of a perfect ship, yet it had sometimes occurred that this had been evaded. His Lordship detailed the particulars of the mode in which a ship took out her certificate, was registered, and when she was sold presented the bill of sale to the Custom-house. To shew that some additional regulation was necessary in these respects, he stated the instance of a ship sold at sea (of which, he believed, there were but few). The ship was sold in the West Indies, and afterwards went from port to port, taking fresh cargoes on board, and all the time claiming and exercising the privileges of a British ship. It happened, however, that the ship was at last seized at the port of Savannah, in Jamaica, and the case was heard before the Court of Admiralty there; that Court, by their decision, stated, that no specific time was limited by law for her coming home to be registered in the port to which she belonged. The case was brought before a Court of Equity, and he saw a Noble Lord in the House who could best correct him if he was wrong (Lord Thurlow); but he understood that it was in that Court held, that in equity there was no remedy, and that the

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ship was entitled to the privileges of a British ship. The case afterwards came before the Privy Council, and a Noble Earl (Lord Camden), then unfortunately absent on account of his ill health, took great pains in examining the witnesses, and going through the whole of the evidence; and he said (for he well remembered the Lord President's words), that a ship sold at sea ought to return with all due diligence to be registered, and he expounded his meaning by declaring, that a ship sold at sea might carry the cargo with which she was laden to the port she was bound for, and there take on board another freight, but she ought to take that freight for the port at home to which she belonged, in order to be registered; the obtaining of that regulation being a point which it was bound to aim at with *all due diligence*. What the Lord President of the Council had so wisely stated, his Lordship declared he meant to make the law of the land.

Having thus pointed out the particular cases that called for further regulation, and required the interposition of Parliament, Lord Hawkesbury called the attention of their Lordships to the growing state and comparative difference of amount of our mercantile marine from the time of Queen Elizabeth down to the present day*.

HOUSE OF COMMONS.

THURSDAY, April 3.

Read a third time, and passed, the Bill to indemnify the Governors, &c. of the West Indies. who have permitted the importation and exportation of goods in foreign bottoms.

GUNS AND STORES LEFT AT DUNKIRK AND ToulON.

Major Maitland rose in pursuance of his notice of the preceding day, to call the attention of the House to a subject on which he had troubled them before, *viz.* to move for Papers of a similar nature with some which the Chancellor of the Exchequer had already objected to producing. The Right Hon. Gentleman having had time for deliberation, would he trusted, do as he had done on several other occasions, acknowledge that his former opinion was erroneous. His Hon. Friend (Mr.

* This speech of Lord Hawkesbury being upon one of the most important subjects that can attract the attention of the country, the Editor is preparing a more copious and accurate detail of the whole argument, with all the statements and enumerations made by his Lordship with regard to the number of ships and seamen, with the measurement of the various vessels employed in our commercial marine, from the reign of Elizabeth down to the present time; which he shall insert as soon as it can be perfected.

Grey) he understood to have moved for abstracts of the correspondence between ministers and officers employed in conducting the war. He did not think it necessary to go so far, and should be satisfied if the abstracts of that correspondence already communicated to the Public in the Gazette, were collected and printed for the use of the House, so as to bring the whole of the information respecting the last campaign, which ministers had thought fit to publish, into one point of view. On this, however, he would not insist, if any objection should be made to it; because he had other materials to found his motion upon, respecting the general conduct of the campaign. The lists of the killed and wounded during the last campaign were of no material consequence, and he certainly could have no personal concern in having them printed. The objection which the Right Hon. Gentleman (the Chancellor of the Exchequer) had made to that measure was, that it would tend to harrow the feelings of those whose friends had unfortunately been the victims of war; and that it was not right to state our losses to the Public, because it might tend to discourage them from the prosecution of the war. As to the first of these points, it must be allowed that such could not be his object in the motion; and as to the second point, he was convinced, that at present the public opinion was, that a much greater number were killed of the British forces than actually were, as it appeared from the returns which he had consulted, and he thought it but right that this fact should be made known to the Public. With regard to the other papers which he should move for, they certainly bore more on the general question of the conduct of the war. The length of a paper was sometimes urged as an objection to printing it, but the return in question was too short to admit of that objection. If, therefore, the Chancellor of the Exchequer should oppose its being printed, he must suppose that his only motive was a general principle of opposition to every thing that did not come from his own side of the House. He asked whether any similar papers, where the rights and privilege of a fellow-citizen were concerned, were ever before refused? Besides the extracts from the Gazettes, and the returns of the killed and wounded, he should wish also for an exact statement of the guns, stores, ammunition, &c. left behind at Dunkirk and Toulon, when the British forces retired from those places. He next observed, that he could not forget the assertions, which had been made from the Throne on the first day of the session, and which had so frequently been the subject of high-sounding argument in that House, *viz.* the general success of the campaign. He believed the general success of the campaign was not quite so

prosperous as was asserted; and before Gentlemen used that language, he took the liberty of advising them not to talk of individual points, but to endeavour to enable themselves to strike a general balance. It was true, a few tattered ensigns, broken wheelbarrows, and unserviceable drums, had been taken, which served as great trophies of victory, and made a capital figure in the Gazette statement of our *inconsiderable* losses; but when the people were informed of the credit side of the account, ought they not also to be acquainted with the debit side of the same account, that they might be able to strike the balance for themselves between what we gained and what we lost? The plain question was this—Had, or had not, the House of Commons, and the People of England, a right to be truly informed of every event of the war?

He was glad to see an Hon. Baronet (Sir James Murray) in his place; and he would ask that Hon. Baronet, if thirty-two guns, the number stated in the Gazette, were all that were left before Dunkirk? He meant not to insinuate that the Hon. Baronet had sent a return which he believed not to be true. In the heat of victory, the advantage gained was naturally overrated; and in the calamity of defeat, and hurry of retreating, the whole extent of the loss could not possibly be ascertained in the first instance. But when the facts were afterwards ascertained, they ought to be stated; and if the return should now be refused, he hoped the Hon. Baronet would give the House that information which, when his dispatches were written, he might not have had the means of doing. In almost every instance where ministers had employed the British troops separately, the Major contended, that they had been so employed as to be unsuccessful. They who exaggerated all the advantages obtained, in conjunction with our allies, ought to give a correct account of our separate losses. His motion could not be objected to as tending to give improper information to the enemy. Of that information the enemy had long been in full possession. The House of Commons alone was ignorant. He concluded by moving, “That an humble Address be presented to his Majesty, requesting that he would give directions that there be laid before the House, returns of the number of guns and military stores left at Dunkirk and Toulon respectively, on the retreat of the British forces from those places.”

The Chancellor of the Exchequer said, he should not trouble the House long on the question, since, on reconsideration, he was confirmed in the opinion he formerly expressed on the subject, and by no means inclined to retract it. What fell from the Hon. Gentleman had rather strengthened his former opinion,

opinion, as he had confessed that it would be useless to him if the two first accounts were printed; if any compromise, therefore, were to take place, he expected it would be by an accession of numbers to his side, rather than any defection from it. He had before objected to printing the return of the killed and wounded, as superfluous and unwise, because it would tend to increase a circulation of the knowledge of the inevitable evils of war, when no good consequence could possibly arise from it. It was true, in this case, the calamities were in fact less than had been apprehended; but as he should not have felt his opinion of the war, or his resolution to carry it on, at all shaken from any degree of those inseparable evils, he thought it not fair to avail himself of the contrary argument, when, from accidental circumstances, it told in his favour. The proposition for printing the abstract of the correspondence published in the Gazette, necessarily assumed that these abstracts, as already published, had given ground for suspecting that ministers, or those whom they employed, had been guilty of misconduct; an assumption which he could not admit, and which ought not to have been unaccompanied with any thing like the statement of some ground or other to warrant it. Another objection was, that if there were ground of suspicion, it would be necessary to do a great deal more than print the abstracts in question. It would be necessary to call for all the materials for a general inquiry into the whole conduct of the campaign, for all the plans of operation, and all the intelligence upon which they had been formed. These, it was true, might be laid before the House on great and grave occasions, but not on such reasons as were at present alledged.

Whatever opinion the Hon. Gentleman had himself adopted concerning the British troops when separately employ'd, he had not the smallest hesitation to declare, that, with the single exception of the siege of Dunkirk, they had been as successful as they had been brave in every conflict in which they had been engaged. Guns, colours, and stores, he said, would be as bad materials for the declamation which was apprehended as for argument. Had ministers ever stated our having taken more stores from the enemy than the enemy from us as a proof of success? No such thing. They had said that, on a general view of territory, of points of attack, of relative force and internal situation, we had now much better grounds to hope for success than at the commencement of the war. What could be more obvious, than that when an expedition was crowned with success, there was leisure and opportunity to take a minute account of every thing that had been gained; and it was the duty, as it must be the inclination, of every officer,

away the propriety of correcting publicly an erroneous return which had publicly been made? It was the first time, he said, that similar accounts had been refused. In former wars, communications of this kind were much more free and abundant. He declared he had no ways altered his opinion concerning the motions he made for printing the returns already obtained, and extracts from the Gazettes. On those subjects, and on the present, he thought the subject had a right to expect full and explicit information.

Major Maitland expressed much satisfaction, that the Hon. Baronet had not adopted the Chancellor of the Exchequer's hint of silence. He said, if the return were refused the Public would know that the information published in the Gazette was erroneous, and that, when known to be so, ministers refused to correct it. The less the true return differed from that given in the first dispatch, the more proper it was to produce it.

The question was put and negatived without a division.

The Chancellor of the Exchequer gave notice, that as the report of the Volunteer Corps Bill would probably occasion a good deal of discussion next day, he could not flatter himself with hopes of being able to open the Bill for enabling his Majesty to employ Frenchmen in the British service, on the Continent.

Adjourned.

HOUSE OF LORDS.

FRIDAY, April 4.

Lord Oxford took his seat.

The Royal Assent was given by commission to thirteen public and three private Bills. The Commissioners were, *Lords Hawkesbury* and *Oxford*, and the *Bishop of London*.

Several Bills were brought up from the House of Commons by *Mr. Hobart*.

EARL STANHOPE'S MOTION.

The order of the day being read, *Earl Stanhope* addressed the House as follows:—"My Lords, considering the extent, the object, and the importance of the motion I have to lay before you, I am convinced that no blame will this night attach to me for requesting your Lordships to be summoned; as an Englishman supporting the honour of my country—as a Christian in doing the duty of my situation,—and maintaining the principles of religion, without which it is impossible that any country can prosper, I this night appear before your Lordships: This principle I shall first lay down, that no country can thrive which depends on the miseries of another. As a man actuated by motives of philanthropy, I have been induced to intrude

intrude myself on your indulgence. My Lords, an expression having been made use of, repugnant to every principle of humanity—of religion—and of social duty, I wished to remove the idea of this House agreeing with such an abominable sentiment, *as that the ministers of this country ought to interfere in every manner possible to excite a civil war in France*; and I come, my Lords, fortified against such a sentiment, with the respectable authority of a Right Rev. Prelate, on the bench opposite me (the Bishop of Norwich *). You will, my Lords, I am certain, be induced to agree with what may fall from the Reverend Bench; but this I, at least, have reason to expect, that none of his Reverend Brethren will differ from his doctrine; and though, my Lords, there is much of this sermon to which I cannot give my approbation, yet these are sentiments which have made a forcible impression on my mind, and have my full concurrence.

“The occasions that have given rise to wars,” said the Bishop, “are as various as the calamities to which society is subject: Dearth, famine, pestilence, and among the greatest of social evils—WAR. It is among the *greatest of social evils*, because it carries in its train many of those to which I have alluded, and is connected with the *worst passions* of the human mind. The inclemency of the elements, and the wide waste of infectious disease, are less to be apprehended, because less frequent in return than the *murderous conflicts* of enraged nations. To enumerate the causes of WAR were a fruitless attempt; and indeed if they were capable of being numbered, the application of them would be matter of still greater difficulty. WARS are often known to the many, only by the devastation and ravage they commit, where ‘the land *before* them is as the garden of Eden, and *behind* them as a desolate wilderness.’ But the sources from which they are derived, are inscrutable to popular inquiry: Whether they originate from revenge, jealousy, ambition, caprice, policy, or *the only legitimate cause of war—self-defence*.” Such has been the admirable character which a learned and pious Bishop has given of war, when appointed to preach a sermon before your Lordships; and surely the whole Bench of Bishops will feel it to be their duty, as followers and teachers of the divine law of Christ, to do their utmost to put an end to a war which is thus fraught with so many calamities to mankind. What the motives of this war are, it will be impossible for any Noble Lord in this House to explain.—“*They are really inscrutable to popular inquiry.*” Every

* Dr. Sutton.

possible motive that could be thought most likely to inflame men's minds has been asserted; and among others *religion* has not been forgotten. "RELIGION," says the same pious Bishop, "has often been pressed into the service of war, and compelled to bear the *bloody standard of ambition*."—"Hence doubt and suspicion naturally arise, whenever religion is said to be connected with war."

"In the agitation and ferment of the public mind, inseparable from a state of *warfare*, it is the *especial province of religion* to inculcate *temper and moderation*, and whether elated by victory or depressed by misfortune, to restore the nation to its proper level."

"Here, my Lords, *temper and moderation* are particularly recommended; and, that temper and moderation should be exercised in the conduct of this war, is what I particularly desire to impress: I wish you to abstain from those wanton cruelties which were so condemned when attempted to be practised in the war against America. I am sure the Rev. Prelate felt what he meant to inculcate, and that no consideration would persuade him to act inconsistently with his declaration; but if we are to cement every power, as we did in the time of that American war, with which God and nature has entrusted us, if we are to exert *all* those abilities which are in our hands, where is that *temper*, where is that *moderation* which we are exhorted to pursue? What is the opinion of the Right Rev. Bench on that head? If doctrines were in any measure to coalesce with our actions, the Bishops at least will, this day, coincide with me.

"The subject which I mean to bring forward does not entirely agree with the idea given out on a former night; it does not comprehend the particular speech which gave rise to it, but includes the consideration of an abstract proposition, which if the House shall do me the honour to support, and shall confirm, by their decision, the criminality of the measure which I intend to reprobate, then a line of conduct may be laid down, from which ministers shall not dare to deviate.

"The proposition which calls for your Lordships' decided disapprobation, may be considered as an abstract one; it is immaterial *where* it was delivered, or from *whose lips* it fell. It is sufficient for my purpose, that the sentiment itself be disavowed by this House. The sentiment, my Lords, is this, "that if it were possible that a large body of Frenchmen could be engaged to undertake a civil war in France in favour of Monarchy, there is no expence which ought not to be incurred for that purpose."

"Now what can the purport of this be, but to introduce disorder and confusion, by the means of bribery and corruption;

to excite a contempt of that allegiance which every man owes to his country, and to establish that most dreadful of all evils, a civil war, than which, in its nature nothing can produce effects more execrable, or consequences more dire; effects, in the contemplation of which the mind shudders and recoils at the horrible picture.

"It is, my Lords, repugnant also to the law of nations, as I shall prove by an extract from the Commentaries of Justice Blackstone :

"The law of nations is a system of rules, deducible by natural reason, and established by universal consent among the civilized inhabitants of the world; in order to decide all disputes, to regulate all ceremonies and civilities, and to insure the observance of justice and good faith, in that intercourse which must frequently occur between two or more independent states, and the individuals belonging to each. Thus general law is founded upon this principle, *that different nations ought in time of peace to do one another all the good they can; and, in time of war, as little harm as possible, without prejudice to their own real interests.* And, as none of these states will allow a superiority in the other, therefore neither can dictate or prescribe the rules of this law to the rest; but such rules must necessarily result from those principles of natural justice, in which all the learned of every nation agree."

"I am likewise strengthened in declaring, that such conduct should not be pursued, when I advert to a late publication on a *National Force* written by a learned Lord (Hawkesbury); that Noble Lord has said in his publication, that England was so distinguished for a variety of blessings, that she should be particularly careful of her own interest; and, in comparing it to others, he felt a noble indignation in contrasting her situation with arbitrary governments. In that pamphlet the Noble Lord also stated, that the *misery* of France, under its former government, was so complete, that he did not think that country *worth preserving*. If the Noble Lord could think that such countries which were enslaved by the tyranny and despotism that he abhorred so much, were not worthy of being freed, not sufficiently deserving of regard that their preservation should be a matter of less than indifference, what was the reason that, when France had rejected that slavery, that miserable dependence, that it should suffer persecution, and be detested for that very reason, which, in not complying with before, it had incurred reprobation? But, my Lords, are we from this to infer that we should throw chains about the necks of this unhappy people, not for a few years, but to distract them by civil war?

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of a *King*, in order to dissuade them from appointing a *King*: We, on the contrary, affect to know better than the Deity what is good for the French, and are resolved to force upon them a *King* against their consent. Nay, to accomplish this object, we are to take measures which violate every principle of civilized war, and which tend to the destruction of all society: Every art of misrepresentation has been used that could impose on the public mind, and every mode of deception practised, that could blind us to the real horrors of the war.—

“And, my Lords, what can be so cruel and so unjust, as to cast chains around the necks of this people? What more inhuman than your endeavouring to support your measures, by exciting such plots and conspiracies? Policy cannot warrant such conduct,—the voice of Religion exclaims against such interference: I shall be happy this night in having brought forward this motion; I shall free myself from the imputation of agreeing with such a sentiment; and I shall have the pleasure of seeing who those are who can concur in such a proposition. We are now, my Lords, at issue on the subject of war; from the commencement of which, to the present moment, has been nothing but a *system of delusion* on the part of his Majesty's ministers. The Scheldt was at first made the ostensible pretext for hostilities: We were told, in the last session, that the war would be merely *defensive* on our part;—but what has been the case?—Ministers have disclaimed all such intention, and we are at present engaged in an attempt to *crush the liberties of France*.—What, again, my Lords, I ask you, has this war been, but a system of delusion? I will read to you an expression from a speech which I hold in my hand;—it is the speech of the minister, though it was delivered from the Throne, relative to the protection of our trade.—It says, “At sea our superiority has been *undisputed*, and our commerce so effectually protected, that the *losses sustained* have been *inconsiderable* in proportion to its extent, and to the captures made on the contracted trade of the enemy.”

“This speech boasts of our superiority at sea, and speaks in flattering language of our commerce being protected:—But, my Lords, I hold in my hand a list of your losses: I find that from the first of February 1793, to the first of February 1794, the loss of the ships at sea was,

English	410—French	326
Balance, against us,		94

“I have also, my Lords, examined how our commerce has been protected from the first of February to the 20th of March,

March, and I find still *we* are the *losers*. How stands the account?

English	53—French	29
Balance, <i>against us</i> ,		24

This, my Lords, is the manner in which our trade has been protected. But this is only part of the delusion; there is another assertion in this speech of the minister, to which I would draw your attention.

“Great as must be the extent of our exertions, I trust you will be enabled to provide for them in such a manner as to avoid *any pressure* which could be *severely felt* by my people.”

“I am at a loss to account for the authority of such an expression, or what constitutional power could give the liberty to talk of *taxes* before the *representatives of the people* shall have considered whether they are to be considered as a nuisance or not. But what has been the case? Is the additional impost of a *million* per annum to be considered as “*no pressure*?” Will not this, in conjunction with the “*enormous weight*” with which the people are already loaded, be “*severely felt*?” Have not new taxes been laid on glass, on bricks, and on *paper*, which will act as a material clog to the diffusion of knowledge? And are these no grounds for complaint?

“I equally condemned the oppressive taxes laid on by the late Lord Guildford, in the American war; and I declared then what I declare now, that in the same proportion that taxation increases revenue diminishes; and this, my Lords, for a plain reason, because excessive taxation then *increased smuggling*, and reduced a million from the revenue: But you say “now there is no danger of smuggling, that the French themselves have put a stop to it.” Suppose they altered their system, and gave a premium to every person who smuggled into this country, what then would be the consequence? Certainly this, your revenue would be diminished; and, I am well persuaded, that you would, even in one year, find that you were two millions backward in revenue. You are liberal in condemning the proceedings of the French; you rail at their intent of an agrarian law; and you treat with obloquy their putting the property under requisition. They are *obliged* to carry on war. And what is this but making the *wealthy* citizens bear the burden of it? *We* imitate them partly in this; for by laying a tax on coaches, plate, servants, and other luxuries of the great, they contribute as they ought (though not sufficiently), to defray the expence of the State. On a former night, when I had the honour of addressing you, I mentioned the additional rise on the lands in France, but this idea seemed then to be

treated with ridicule; many seem to think that no purchasers could be procured, but I have in my hand a paper which demonstrates the estimation in which lands are held at present: A lot which was valued at 239,000 livres, has been purchased since at 685,000 livres.

"The next thing to which I would call your Lordships' attention is a circumstance of particular importance, I mean with respect to gunpowder. It was asserted at the commencement of the war, that France must yield for want of this necessary requisite to carry on hostilities; but what is now the case: Have we not heard, and do we not believe it to be true, that a *late discovery* of the chemists in that country has fully supplied them with this article? And have not the French at present, twenty-five millions of pounds of gunpowder actually in their stores; more than sufficient for carrying on the campaign? Thus, my Lords, this brave people will be ever supplied with this article; and thus the revolution has occasioned an invention, greater than any other since the original invention of gunpowder itself. To support this war in which we have been plunged, the most unconstitutional measures are attempted. Subscriptions are set on foot without the consent of Parliament; and I am told, that one of the ministers in the other House, intends bringing in a Bill to employ Frenchmen in defence of this country, and in support of his measures abroad; nor by what I can learn, has he even waited to ask the concurrence of Parliament; for a house is absolutely open in Bride-Lane, to receive any foreigners who may enlist in the service, and the bounty is already specified as an encouragement. I hold in my hand an advertisement to all "*foreigners out of employment*;" who are desired to apply at the Recruiting Office, No. 25, Bride-Lane, Fleet-Street, where each person will receive bounties according to their measure, from 6 to 12 guineas. Thus, in direct violation of the laws of the land, an army of foreigners is now raising, and other attempts equally hostile to *all law*, and to the very essence of the constitution, are, as your Lordships know, not only *concerting*, but actually *executing*.

"These considerations have induced me to bring before the House the present question, which I shall put in the form of a *Resolution*, rather than bring in a *Bill* in the *first* instance. And should the resolution meet with your Lordships' approbation, I will immediately follow it with a *Bill*, which shall prevent ministers interfering with the internal government of France, and which will have the happy tendency of putting an end to the horrors of war.

"As

"As for my part, I see no possible advantage to be derived from the continuance in hostility; I am shocked to think, that a *civilized country* should wish to accomplish its object by such *barbarous* interference. If no regard to *character*, to *honour*, to *Christianity*, will urge you to relinquish this sentiment, at least let the fear of *retaliation* prevent your putting it into execution; if you are actuated by no nobler motive, at least reflect on the disaster you will bring on yourselves; you will not deny that the French have the *means* of retorting the injury; and you may be sure they cannot be tame when galled by such *oppressive cruelty*. I disclaim every idea of interference in the internal government of France. How can you expect that any overture of amity can be opened, whilst you plan such abominable projects? How must the people of that country reprobate the conduct which induces you to attempt their destruction in so ignominious a manner? I wish the troops were *recalled* from their territory; the only means of putting a stop to the calamities of war. I wish to God something was done to check the confusion that must be the consequence of a continuance of this war, in this kingdom: You should *feel*, my Lords, the injury our commerce must sustain; you should *reflect*, that this country is dependent on her manufactures; her paper currency is a principal part of her support. Take care, my Lords, how you push things too far; you are ignorant what the situation of this country may be, should it have the misfortune of being convulsed. All these circumstances should induce your Lordships to weigh this melancholy business with unprejudiced hearts; you should recollect, that one of the leading articles of the French constitution is, that France will not interfere in changing the government of any country; and that she, therefore, will not suffer any country to interfere to change hers: It is not *aggression* then, on *her part*, which excites *this resentment on yours*; *she has disclaimed that, in which you are determined to persist*; you condemn in others, what you pursue yourselves. As for my own part, my Lords, I hold in the strongest disapprobation, the principle of interfering to excite civil war in that country; and though I stand *single*, I will not be prevented from offering my sentiments on that subject to this House.

"There is yet one honest line to pursue—to acknowledge the *French Republic*. Nor should I have any difficulty to acknowledge it on the grounds of *Liberty, Equality, and the Rights of Man*.

"I shall therefore submit to your Lordships the resolution which I hold in my hand, as preparatory to a Bill to regulate the conduct of ministry."

His Lordship read a paper containing a preamble to his resolution, which was almost as long as his speech. It was couched in extremely strong terms, and after stating the assertion about the employment of Frenchmen to raise a civil commotion in France, which had occasioned his speech, recapitulated the chief and most violent arguments that he had urged against the continuance of the war, and concluded with a resolution * on the subject.

"My Lords, as I began my address by a quotation from the *Sermon* of one Right Reverend Prelate, I will sit down with quoting a passage from the *Poem* of another,—a passage which does the highest honour to his feelings: I only beg leave to observe, that what the Reverend Prelate applies to *Kings* in general, I shall consider as characteristic of arbitrary *Monarchs* only.

"*One Murder makes a Villain,
Millions a Hero ; Princes are privileg'd
To kill, and numbers sanctify the crime.
Ah! why will Kings forget that they are Men ?
And Men that they are Brethren ? Why delight
In human sacrifice ? Why burst the ties
Of Nature, that should knit their souls together
In one soft bond of amity and love ?
They yet still breathe destruction, still go on,
Inhumanly ingenious to find out
New pains for life—new terrors for the grave !
Artificers of Death ! Still Monarchs dream
Of universal empire growing up
From universal ruin. Blast the design,
Great God of Hosts ! nor let thy creatures fall
Unpitied victims at Ambition's shrine !"*

DR. PORTEUS, *Bishop of London.*

The Earl of Mansfield said, he had been so particularly alluded to, although in so irregular a manner, in one of the most extraordinary preambles to a resolution stated as the consequence of one of the most extraordinary speeches ever delivered in Parliament, that he felt himself bound to rise, certainly not to answer the Noble Earl, but to deliver a few short sentences. His Lordship declared, that he was sorry that he had been the innocent cause of what had happened. He had not been aware that any words he had used, could have

* We do not presume to state either the Preamble to the Resolution, or the Resolution itself in terms, because as the former gave so much offence that it was not permitted to be read from the Woolfack, and the latter was immediately on motion ordered to be expunged from the Journals, it would be equally indecent and improper in us to give either the one or the other.

produced

produced such explosion; but he found that he had plunged into Etna, though not as the philosopher of old had done [Empedocles], voluntarily, and with his eyes open. That he might be clearly understood, he meant to repeat what his declaration had been on a former night, without arguing upon it at all. On the occasion alluded to by the Noble Earl, he had said, "That if there were any considerable number of persons in France who were willing to unite and endeavour to rescue themselves, and their devoted country, from the horrors of that anarchy by which it was now ravaged, it was his opinion, that any sum of money, how considerable soever, would be well and beneficially employed in such a service." This was the purport of his observation; and if there was guilt in it, he was willing to plead guilty, and to admit that the guilt was his and his alone. They were his sentiments, though perhaps it would be more palatable to the Noble Earl to state them as the sentiments of *Citizen Mansfield*. He well knew that any Noble Peer who presumed to differ from him must fall under the superior weight of his wisdom. That he was guilty was undeniable, because the Noble Earl's opinion was the test of truth, the rule of rectitude, and the standard, not merely of philosophy and politics, but of probity and honour. The Noble Earl had nothing else to do to maintain his opinion, however singular and extraordinary, than to have recourse to his ardent talents, his fertile mind, and his brilliant eloquence. It was enough for him to quote a Fast-day Sermon, to quote Blackstone on the law of nations, and to read part of a chapter from the Book of Samuel, to put any argument at defiance that could be drawn from the store-houses of the soundest reason, or the wisest policy. They who were friendly to the present war had unusual difficulties to encounter. Opinions turned round upon them at every corner. If they said they believed that the people of France were divided among themselves, and that many were only restrained by fear from avowing their genuine sentiments, it was instantly and loudly proclaimed that all France was against them: But when they proposed to put arms into the hands of the friends of sound and real government, What! (it was exclaimed,) would you excite insurrection in France! would you wound *Jacobinism*? Take care that you interfere not with the cause of liberty. If the vilest of all governments, if trampling on all the rights of civil society, if abandoning and degrading every principle of virtue, morality, law, and justice, if a contempt of that which the most savage nation held sacred, was liberty, France was the most free nation the world ever produced. As well might he say, that offering up human

sacrifices at the altar of Moloch formed a complete system of piety and pure religion. He said, he well knew the great powers of the Noble Earl, but he was nevertheless glad to join issue with him on the point that the motion would divide the country, and shew who were the friends of peace, and who the friends of war. In that case, he was persuaded he should have the whole kingdom with him, and the Noble Earl would be left alone. Though he was himself *una nemus*, the great oak of the forest would stand by itself. The sounder part of the French, Lord Mansfield said, were willing and desirous to act, but dare not, unless sure of support; but as nothing could be more certain than that whatever appearances produced by tyranny and oppression led standers-by to believe, the fact was, the French were by no means of one mind, as the Noble Earl had supposed: He applauded his Majesty's ministers therefore for their exertions most sincerely, and would give them every support his abilities could afford in their laudable efforts to restore the unhappy people of France to the blessing of a just and permanent government. His Lordship concluded with declaring that he would not make any motion, but would leave it to other Noble Lords to dispose of the Noble Earl's motion, as they might think most proper.

Lord Grenville said, it was natural enough in the Noble Earl, who had been so personally alluded to, to be anxious to rise and restate sentiments, which he had before delivered in so open and manly a way, and which did him so much honour. With equal manliness, with equal eloquence, had the Noble Earl that day stepped forward, and precisely recapitulated those, which he had before so handsomely and so usefully to his country avowed. For his own part, Lord Grenville said, he knew the respect that was due to himself, and to the House, too well to condescend to argue on a motion so extraordinary and so indecent. He confessed he never heard with such resentment, any speech as that which had just been delivered. "Sorry (said his Lordship) am I, to see the Noble Earl suffering his passions to get the better of his reason; and I lament that his judgment has not been regulated by prudence and discretion. As I have already said, I will not insult your understandings, or disgrace my own, by offering a reply; your Lordships have seen through the object of the Noble Earl. He has expressly told you that he would not put the customary motion; but that he would purposely avoid the usual practice. Why? Not because it was necessary for his object, but because he was conscious that it was not fit to be entertained by your Lordships, and because, by putting it in the shape of a resolution, he might have an opportunity of recording his senti-

sentiments in the Journals of the House. If your Lordships have a regard for your proceedings, if you would wish to see your Journals pure and untainted, I believe I may suggest the proper mode for your proceeding, and with your Lordships' concurrence and assistance, I hope to be able to disappoint the Noble Earl in that, his avowed expectation, of having his motion entered on the Journals: When your Lordships have dismissed this resolution (which I have little doubt your Lordships will do), you will not suffer a resolution, penned in such a style, to remain on your Journals. The Noble Earl (Mansfield) has, from personal motives, declined making any motion; but I shall follow up the negatived resolution with a motion to expunge it from the Journals. The Noble Earl has said, he is so happy in having brought forward this motion, that he may see who are the friends of such a measure. I doubt not then, but he will see the entire House against his motion; and I doubt not, from the opinion I have of Englishmen, that the people throughout the country will equally censure and condemn his resolution."

The Lord Chancellor left the woofack, not, as he declared, with the smallest intention to enter into the subject of the motion, or to argue at it all, but merely to learn, whether their Lordships would not consent to relieve him from the pain and disgrace of reading from the woofack the preamble of the motion, which heard once, in his humble opinion was heard by their Lordships once too often. The Noble Earl's extraordinary speech had been obviously listened to by the House with a mixed emotion of indignation and compassion, but so indecent was the form of words that led to the resolution, that had the Noble Earl used it in any other place, had he held the same language elsewhere, or even committed his words to writing, they would not only have excited general indignation, but called for exemplary punishment. His Lordship professed he was in some measure ignorant how to act: He wished to collect their opinions; and he thought, if he was not mistaken, from their Lordships' looks*, that he might be spared the pain of sharing the disgrace that had been put upon the House; he would therefore only state the question upon the resolution that had been moved. The Lord Chancellor went to the woofack, and having read the resolution solely,

Earl Stanhope declared, he never had witnessed so extraordinary a proceeding in his life; it was the first time, he be-

* There was here that sort of murmur of general consent, which, not correctly formal, is well understood in both Houses, when appealed to, to indicate the concurrence of the majority of the Members present.

lieved, that a person who presided as chairman in any assembly like that had ventured to propose leaving out a part of a motion, and putting only the remaining portion of it as a question. The only regular mode of altering, adding to, or omitting any words of his motion, he had ever conceived would have been by moving and carrying an amendment. So much however did he approve of the resolution singly, that he would give his cordial support to that when proposed as a question by itself, if the question was to be so put.

The question on the resolution was then put, and negatived.

Lord Grenville rose agreeably to his notice to move, "That the question just put and negatived, be expunged from the Journals."

The motion was put and carried, almost *nemine dissente*, Earl Stanhope being the single Peer who said *Not content*.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, April 4.

Mr. Popham brought up a Bill for the better taking of special bail in actions and suits in the Court of Great Sessions in the County Palatine of Lancaster, which was read a first time, and ordered to be read a second.

Mr. East moved that the Bill for preventing the poor from being removed from their places of residence, until they shall become actually chargeable, be read a second time on Monday next.—Ordered.

The Glass Duty Bill was read a third time, and passed.

Mr. Bastard moved that the report of the Select Committee on the Woolcombers' Petition be referred to a Committee of the whole House. The House immediately resolved itself into that Committee, in which Mr. Bastard moved, That the Chairman be instructed to move the House, that leave be given to bring in a Bill for the protection of the Woolcombers in their trade.—Ordered.

The report of the Committee on this resolution was ordered to be received on Monday next.

Mr. Powis moved, That a Committee be appointed to revise the standing orders of the House relative to Canal Navigation Bills; and that they do report their opinion thereon to the House.—Ordered.

MESSAGE

MESSAGE FROM THE KING.

The Chancellor of the Exchequer brought up a Message from his Majesty, relating to the Improvement of the Land Revenue of the Crown. He stated, that the principal object of his Majesty was, that this Message should be referred to the consideration of a Committee of the whole House, that the extent of his Majesty's power to grant Leases of the Crown Lands might be ascertained, and, if requisite, might be enlarged.

The Chancellor of the Exchequer said, he should move for a Committee on this subject, and that his Majesty's Message be referred to that Committee, in which he should submit a simple proposition relative to the power of the Crown to grant leases.

He then moved, "That his Majesty's Message be taken into the consideration of a Committee of the whole House on Tuesday next."—Ordered. "That the report of the Commissioners of the Land Revenue be referred to that Committee."—Ordered.

The Bill for establishing a Court of Criminal Judicature in Norfolk Island passed the Committee, and the report was ordered to be received on Monday next.

The House agreed to go into a Committee of the whole House on Monday next, on the Bill for establishing a Court of Criminal Judicature in the Island of Newfoundland.

EAST INDIA BUDGET.

The Order of the day being read for the House to resolve itself into a Committee to take into consideration the Affairs of the East India Company,

General Smith rose to remind the Board of Controul of the claims and representations of the military officers on the Bengal Establishment. He therefore requested leave to trouble the House with a few observations before the Speaker left the Chair. It had been said last year, that it would be proper to wait for the information which the Marquis Cornwallis might be able to give upon the subject. He said, that he had received a letter which referred to the condition of the officers who served in Bengal, a great part of whom have addressed a Memorial to his Majesty, expressing their reliance upon his interference, and the measures of Administration. Upon this ground, therefore, he desired to be informed, whether any measures had been taken upon the question of an Hon. Gentleman not then in the House, who last Session asked the Right Hon. Secretary, who presides at the Board of Controul, what arrangements were to be made in respect to the relief

relief of these unfortunate persons? Sure he was, that their situation must have claimed the attention and compassion of the Noble Marquis lately returned from India; and he therefore wished to know whether it would be taken notice of by Parliament this year? A simple declaration of the favourable intentions of the Right Hon. Gentleman at the head of the Board of Controul would be sufficient to satisfy those gallant veterans, on whom the safety of India depended, and who at present had no hope of being able to revisit their native country, but by the interposition of Parliament.

Mr. Secretary Dundas said, he had thought it improper last year to attempt doing any thing in a business on which the Marquis Cornwallis could give important information, more especially when there was reason to hope that such information would be soon obtained. But he begged the Hon. Gentleman to believe that every suggestion would be certainly attended to, especially as it came from a person of his character and profession. He stated what had been done last year, in consequence of the applications then made, and assured him there should be no disappointment. The Marquis Cornwallis had already thrown much light upon the subject; and he had no doubt but that, with the assistance, and under the auspices of the Noble Lord, regulations would be adopted which would effectually relieve a meritorious body of men from the cruel alternative of starving at home or dying abroad.

General Smith returned his thanks for the explanation.

The House then resolved itself into a Committee, *Mr. Beaufoy* in the Chair.

Mr. Secretary Dundas said, he hoped that Gentlemen would not think him tedious in the necessary detail, which he was about to lay before them, nor be alarmed at the voluminous Papers on the table. He hoped that upon this occasion he should not weary out the attention of the Committee. In order to avoid this, he said, he did not conceive it to be requisite to enter into a particular detail of Accounts which had been printed for the perusal of the Members of the House, but merely to state their general result, under the persuasion that every Gentleman was already acquainted with their various items. On former occasions, indeed, it had been found necessary to enter minutely into the subject, to remove difficulties, and to explain seeming intricacies of detail; but such arrangements had been for this year adopted, and the whole rendered so plain and perspicuous, that he flattered himself, on the investigation of the various estimates, Gentlemen would be able to avail themselves of the various hints and directions

directions which he had from time to time offered. For some years, he owned, he had felt a considerable degree of anxiety in attracting the attention of Members of Parliament to Indian affairs; and he was fully persuaded, that, on a mature deliberation on this important subject in its present state, their opinions would exactly correspond with the conclusions which he had drawn.

The Committee would recollect, that every Session previous to the last, he had contented himself with bringing forward a statement of the Company's affairs, so far only as related to their territorial possessions in India, without giving any specific account of the product of their sales, or the state of their revenue at home. But in the course of last Session, when it became necessary to bring forward propositions for the future government and trade of India, it was his duty to bring both the objects to which he had alluded under the immediate consideration of the House: And this latter mode of proceeding it was his intention to pursue upon the present occasion, that it might be clearly seen how far the favourable predictions which he had ventured to make with regard to the affairs of the East India Company, had been justified by the events which had, since those predictions, taken place.

In combining Indian affairs both at home and abroad, in elucidating the intricacies of detail, in presenting at once a general view of the subject, he hoped, that he should facilitate investigation, and familiarize Gentlemen with those accounts which a *certain set* of men had often declared to be fallacious. He was sorry to find that they had now completely abandoned the subject. It was, perhaps, from a conviction of their error; for if they at this time attended their duty in Parliament, they would be obliged to acknowledge, that the clearness and perspicuity of the estimates on the table were at least equal to any which had ever challenged the inspection of the House.

“ For several years (said Mr. Dundas) after the commencement of this part of my public duty, I was regularly favoured (previous to the opening of what *some* Gentlemen called my Budget) with certain portions of *admonitory* correspondence, kindly unfolding the *real* statement of affairs! But I have to lament, that for two or three years that *useful* and *laudable* correspondence has ceased; the authors, perhaps, discovering how futile it would be to oppose vague and idle observations to stubborn and incontrovertible statements founded in truth. Thus I have been permitted to walk peaceably over the course of Indian affairs. But some gentleman, envious of my tranquillity, has had yesterday the audacity to assail me from
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another battery; where, after presenting an estimate of the Sales, &c. for the current year, he shrewdly remarks that—

“ Two millions more must be borrowed to keep their Cash Balance equal to what it was on the 1st of March 1794, which we consider a much better comment on the general prosperity of the Company, than can be derived from the intrepidity of Mr. Dundas’s assertions on Indian affairs. The bold man always assumes courage in proportion to his danger; and as the Company’s affairs are now more discouraging than ever, we shall of course, at the opening of the India Budget to-morrow, have the most flattering accounts of their immense wealth and unexhausted resources.”

Some guess was here formed of what would be part of his propositions to the Committee; but allowing his correspondent all the advantage of the amount of sales in a year of war not being equal to the amount in years of peace, he should still have the intrepidity to shew, that the resources of the Company were fully equal to all the demands which he had calculated they would answer. He should therefore leave this Correspondent for the present, and proceed to the consideration of the several accounts: He said he should, as on a former occasion, take his statements on an average of three years previous to the year of war, and an average of three years including the year of war. And he should also lay before them the estimates of the revenue for the last year, and the actual amount of the revenue.

ABSTRACT OF THE EAST INDIA COMPANY’S
ACCOUNTS, 1794.

BENGAL.	Curt. Rupees, at 2s.	£. Sterling.
Average of receipts for 3 years from 1787-8, to 89-90, (the 3 years previous to the War)—	5,45,40,067	5,454,107
Ditto for the 3 years 1790-1 to 1792-3 - - -	5,31,34,398	5,313,490
The difference less	14,06,169	140,617
Revenues were estimated for 1792-3 at - - -	5,10,49,203	5,104,920
Actually collected - - -	5,52,69,339	5,526,933
The excess	42,20,136	422,013
Charges for 1792-3, estimated at Amount, as far as can be ascer- tained - - -	3,04,23,677	3,042,367
	2,95,60,684	2,956,068
Charges less than estimated	8,62,993	86,299
		Adding

	Curr. Muppes, at 2s.	£. Sterling
Adding excess of revenue to deficiency of charges, actual account for 1792-3, better than estimated - - - -	50,83,129	508,318
Net revenues of 1792-3	2,57,08,655	2,507,865
Revenues for 1793-4, estimated at	5,42,38,647	5,423,864
Charges estimated at - -	3,24,52,788	3,245,279
Estimated net revenue	2,17,85,853	2,178,585

Which is more than stated in the general estimate laid before the House last year by 192,585l.

He next proceeded to the statement of the Madras Accounts, which hitherto could not be very easily settled on account of the settlements necessary to be made between that government and the Nabob of Arcot and the Rajah of Tanjore.

MADRAS.	Pagodas, at 8s.	£: Sterl.
Revenues for 1792-3, were estimated at - - -	61,46,889	2,458,756
Actual collection was - -	61,90,775	2,476,310
Better than estimated	43,886	17,554
Charges were estimated at -	42,00,716	1,680,286
Actual amount of charges - -	49,09,163	1,963,665
Charges more than estimated	7,08,447	283,399
Deducting actual charges from revenues, the net receipt was	12,81,612	512,644
Revenues estimated for 1793-4 at	55,80,193	2,232,037
Charges ditto - -	42,53,244	1,701,297
Net estimate revenues - -	13,26,949	530,740

He had one general observation to make with regard to Madras, and which he was very happy to have it in his power to make, which was, that the revenue of Madras was at this time equal to its collection, and that there would be no longer a necessity to draw from the revenues of the other settlements for its support. He had found much difficulty in endeavouring to remove the doubts of Gentlemen on the necessity of keeping up a large military establishment at Madras; but he contended, that, from its situation, it was necessary so to do; because it was the only effectual way to maintain a frontier for the protection of the rich provinces of Bengal; and he that should

ever deviate from this system, would most assuredly lay a foundation for the loss of the whole of our East India possessions. He observed, that a settlement was not to be thrown away from the mere circumstance of its charges exceeding its revenue : The whole of our possessions in India should be considered as one large estate, the preservation of one part of which, especially the part the most likely to be attacked, was necessary for the protection of the rest ; and the necessary expence thereby incurred, should not be charged to the account of the single spot so preserved, but to the whole estate.

With regard to the Bombay account, he said he regretted being obliged to state to the Committee the miserable insufficiency and incorrectness of the returns from that settlement ; he had been under the necessity of making a similar complaint last year ; and even now he had not any account upon which he could ground his calculations subsequent to the year 1792 ; he was therefore obliged to go upon an estimate which he could not confide in ; he mentioned this to express his regret that the fact was so, and to say that, as complaint and representation had not been attended to by the persons whose duty it was to furnish those accounts, some radical remedy must be adopted. He was convinced that the statement upon the estimate with which he was furnished, was 150,000*l.* less than the real revenue. It was estimated but at 200,000*l.* and from the best judgment he could form, it in all probability amounted to 350,000*l.*

BOMBAY.		Rupees at 2 <i>s.</i> 3 <i>d.</i>	£. Sterk.
Average revenue for 3 years, was, 1789-90 to 1791-2 - -		15,30,778	172,212
For 1791-2 (the last year for which actual accounts have been received) the revenues were estimated at - -		15,84,755	178,215
The actual amount was - -		16,46,350	185,214
Better than estimated		61,595	6,929
The charges for that year, being a period of war, were estimated at		1,20,52,551	1,355,912
But amounted to only - -		1,17,58,461	1,322,264
Being less than estimated		299,090	33,648
The latest estimate received from Bombay, is for 1792-3, in which the revenues are com- puted at - -		21,53,922	242,316
And the charges at - -		60,58,395	681,569
Excess of estimated charges		39,04,473	439,258

He next proceeded to the statement of the lesser and subordinate settlements.

BENCOOLEN and PINANG.

	Dollars, at 5s.	£. Sterling.
Average of Bencoolen revenues for 3 years	17,738	4,434
	C. Rupees.	£. Sterling.
Supplies to Bencoolen and Pinang, for 1792-3 estimated at	6,80,000	68,000
Amount actually supplied	6,20,927	67,093
Supply less than estimated	59,073	5,907
Besides which, the supplies to the islands of Andaman and St. Helena amounted to	1,20,917	12,091
Supplies to the whole of the above Settlements, for 1793-4, estimated at	7,70,000	77,000

GENERAL VIEW.

	Ct. rup. at 2s.	£. Sterl.
Actual revenues of 1792-3 at Bengal, per No. 3, Curt. Rupees	5,52,69,339	5,526,934
Madras, per No. 6, Pag.	61,90,775	2,476,310
Bombay, per estimate, No. 7, Ra.	21,53,922	24,316
	Ct. Rs.	8,245,560
Charges at Bengal	2,95,60,684	£.2,956,068
Madras Pag.	49,09,163	2,956,068
Bombay, estimated Ra.	60,52,395	681,569
		5,601,302
		2,644,258

Supplies from Bengal to Bencoolen, Pinang, Andaman islands, and St. Helena

7,41,844

74,184

The interest upon the debts at Bengal, per No. 18, paid in the year

Ct. Rup. 44,85,590

£.418,559

At Madras, No. 19, Pag. 2,06,434

82,573

At Bombay, as stated in the account laid before the House last year, no actual statement having been received

9,88,863

111,244

Total interest to be deducted

642,376

1,927,698

To

	Ct. Rep. at 2s.	£. Sterl.
To this adding the amount received from the sale of import goods and per certificate, per No. 15, Ct. Rs.	48,98,387	489,839
The total sum applicable to the purchase of investment, payment of commercial charges, &c. is		<u>2,417,537</u>

On the general view, he said, he did not mean to state the balance as likely to be permanent. Part of it arose from the revenues of Tanjore being in the hands of the Company; and part from the instalments paid by Tippoo Sultan. But he could say with confidence, that there would be a permanent balance of more than two millions applicable to the purchase of investment, and the liquidation of debt. This exceeded the expectations he had held out last year. The balance upon which he had then calculated was only 1,400,000l.; and he had now complete assurance of a balance exceeding that by at least 600,000l.

	Ct. Rep. at 2s.	£. Sterl.
DEBTS.		
The debts in India by last year's statements, amounted to C. Rs.	9,08,45,508	9,084,550
By account, No. 16, the amount is	<u>7,85,74,049</u>	<u>7,857,405</u>
Decrease of debts in India	1,22,71,459	1,227,146
Remitted home by account, No. 17 34,58,831		
Bills drawn since dates of accounts, by No. 16 31,36,646		
	<u>Deduct</u>	<u>65,96,477</u>
Debts actually paid in India, besides what transferred home C. Rs.	56,75,982	567,598
Debts bearing interest by last year's statement	6,93,39,432	6,933,943
By present account, No. 16	<u>6,32,23,287</u>	<u>6,322,329</u>
Decrease of debt bearing interest	61,16,145	611,614
Annual amount of interest by last year's account	59,22,097	592,210
By present account, No. 16	<u>51,78,256</u>	<u>517,826</u>
Decrease of annual interest	<u>7,43,841</u>	<u>74,384</u>

He next took a view of the amount of the assets, which he added to the diminution of the debt, by which he shewed the improvement of the affairs of the Company.

ASSETS.

ASSETS.	Ct. Rup. at 25.	£. Sterk.
Value of cash, bills, goods, and debts owing to the Company, stated last year at - -	7,61,67,983	7,616,798
Ditto, ditto, by No. 21	8,73,37,911	8,733,791
Increased value of assets	1,11,69,928	1,116,993
The decrease of debts there, as before stated - - -	1,22,71,459	1,227,146
Adding decrease of debts in increase of assets, the affairs in India appear better by -	2,34,41,387	2,344,139
CHINA and ST. HELENA.		
Balance in favour of the Company last year - -		805,955
Ditto this year, No. 24		1,080,881
Better in China and St. Helena		274,926

Having gone over the reduction of the Company's debts, and the improvement of their assets in India since last year, he wished Gentlemen to consider whether or not they saw any thing in these accounts that could induce them to think that his former statements were too sanguine. On the contrary, many circumstances must lead to more favourable conclusions than those which he had now drawn. We had annihilated the only European power on the Continent of India that could rival us. We had humbled the only native power that could disturb us. Of the degree to which Tippoo Sultan was humbled, of the dread which he entertained of our force, the punctuality with which he had fulfilled all his engagements, and paid all his instalments, was an indisputable proof. We had added greatly to the confidence, which the native powers ought ever to entertain of our good faith. One instance alone of the conduct of the Marquis Cornwallis, great as a warrior, great as a statesman, reflected as much honour on his own character, and would as much promote the true interest of his country in that quarter of the globe, as any action of his life. When Tippoo Sultan, who had regularly paid all his instalments to the Company, but was in arrear to the Nizam, offered a payment to the Company before it was due, the Marquis Cornwallis said to him:—"Highly acceptable as the payment would be, and advantageous to the affairs of the Company at the present moment, I will not accept of your money, while you are in arrears to the Nizam, our ally." The Nizam was immediately paid. Here were the faithless Marattas, and the more faithless Nizam, as they had been often

often called, learning the maxims and the practice of good faith from their connexions with the British power in India. It was therefore with good reason that he mentioned the confidence of the native powers, as a source of security. Such conduct and attention to the interest of our allies tended to bind them firmly to us; and the consequences were, that the British character, for justice, honour, and fidelity, was immediately exalted to the highest pinnacle of fame.

But his Lordship, not satisfied with these wise and salutary measures, formed an arrangement for the security and permanent possession of landed property. fully convinced, that "there never can be happiness in any country where landed property is insecure." The effect has been, that the monied men, who formerly hoarded up their wealth, have been expending it in the purchase of landed property in Bengal, and in the other provinces: Happy in living under the protection of the British Government, by which liberty and property were rendered secure and permanent.

Another advantage produced by the war, which seemed rather extraordinary, was the increase of the circulation of specie; and which arose from three causes: First, the Company had, to answer any sudden emergency arising from the war, sent out 700,000*l.* in specie; instalments from Tippoo had brought into the country, specie to the amount of one million; and on account of the high rate of interest in that country, and its low rate here, several individuals, at their own risk, had sent out large sums to India on the speculation of great returns from interest. The last legacy of the Marquis Cornwallis to a people on whom he had conferred so many obligations, was highly valuable, *viz.* the regulation of the Courts of Justice. Separating the courts from the collectors of the revenue, and rendering justice equally accessible to the rich and to the poor, although attended with an expence of 60,000*l.* must add greatly to the happiness, and consequently to the population, of all the provinces. The improved credit of the Company was ground of encouragement. At the commencement of the war they were obliged to borrow money in India at twelve per cent. During the war interest fell to eight per cent. It was now only six; and the Company's bonds, at that rate of interest, bore a premium of two per cent.

He trusted that the Committee would not think him tedious, but he confessed that he dwelt with infinite pleasure on the affairs of India, and felt himself happy in being able to state such unequivocal proofs of their increasing prosperity.

There

There was still another advantage, which, if properly managed, might lead to prosperity unknown, viz. the acquisition of territory on the Malabar Coast, the grand source of commercial treasure.

When he combined all those various circumstances together, every one of which, taken separately or conjointly, were proofs of the growing prosperity of India; when he reflected on the territorial revenue of the Company, on the profits of their trade, arising from a large capital; when he considered the favourable situation in which they stood with regard to the other powers of India, and the excellent regulations which had lately taken place in our Indian provinces; it was impossible for him, or for any man, with accuracy, to calculate their effects on the general prosperity of a country. He considered all these circumstances as sufficient grounds to justify his opinion, and prove that his expectations were well founded.

AT HOME.

In an average estimate laid before the House last year, the amount of sales of goods was taken at

Actual sale amount	-	-	£. Sterl.
			4,988,300
			<u>4,887,127</u>

Less than estimated	-	-	101,173
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Charges and profit on private trade estimated	-	-	70,000
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Actual amount	-	-	<u>95,840</u>
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More than estimated	-	-	<u>25,840</u>
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Difference between estimate and actual	-	-	<u>75,333</u>
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Actual amount received for goods in the year	-	-	4,389,458
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The Company having been obliged to give more credit than usual by 497,669l. over the 1st of March

India debt paid off in the year	-	-	1,008,637
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Bond debt ditto	-	-	<u>1,028,475</u>
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Debts paid off	-	-	2,037,112
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Amount to be received for goods sold in present year estimated at	-	-	5,426,358
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India debt estimated to be paid in this year	-	-	972,126
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Total of India debt paid, and to be paid, in two years	-	-	1,980,763
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Last year's act directs only 500,000l. a year to be paid

Honourable Board of Ordnance, for salt-petre delivered -	£22,500	Ditto, China Bullion exported	£475,282 20,000
Private trade goods, sold before 1st of March 1794 -	210,000	Charges on merchandise, including <i>Supra Cargoes</i> ' commission, and interest on loans -	470,000
Charges and profits on private trade	70,000	Indigo contractors	39,800
One year's interest, at 3l. per cent. per ann. on 1,207,559l. 15s. the Company's share of annuities transferred to the Bank, per Act of Parliament -	36,226	Dividends on stock, and interest on bonds -	710,000
May be borrowed of the Bank on mortgage of the annuities -	200,000	Bonds advertised to be paid off -	37,217
		Bonds to be paid off, to reduce the bond debt to 2,000,000l. Government, for the 2d half-yearly payment, postponed from Jan. 1794	142,150 250,000
		Proprietors of private trade -	284,910
		Buyers of teas returned -	5,944
		Warrants passed the Court unpaid	54,800
			<hr/> 6,717,022
		Balance in favour, 1st March 1795	230,926
			<hr/>
	<hr/> £6,947,948		<hr/> £6,947,948

It might be asked, if the affairs of the Company were thus prosperous both at home and abroad, why borrow money? Why apply to the Public for relief? To this he would answer, that the Company did not ask for relief; they asked nothing but leave to increase their own capital; an indulgence to which, under the particular circumstances, they were well entitled. He might have postponed the new arrangement of the Company's affairs for one year more, which would have prevented the necessity of increasing their capital; but convinced, as he was, of their prosperity, it would neither have been just to hinder them from enjoying the fair profits, which he knew it could afford them in an increase of dividend, nor the Public from receiving the share to which they were entitled. When he proposed that arrangement, he foresaw that any failure of the estimates must come on the cash account; and if the sales had not failed, all would have stood fair. By the

the new arrangement, they were to pay only 500,000*l.* a year of the debt transferred from India; but before it was concluded, they had been obliged to accept bills to the amount of more than a million. They were next to reduce the bonded debt; and if they had gone literally by the Act of Parliament, they must have applied their whole surplus to that purpose. It was thought more advisable to postpone the bonded debt, because it bore an interest of only four per cent. while the debt transferred from India bore an interest of five per cent. One of his propositions now would be to let the bonded debt remain at two millions.

On account of the shock given to commercial credit, the Company had been obliged to postpone one of their sales for several months, the consequence of which was, that they had 500,000*l.* of debts due to them out-standing beyond the ordinary period of payment. He therefore proposed to allow them to issue bonds, if necessary, to the same amount. This was contracting no new debt, for the money due to them was recoverable, and when it came in would discharge the bonds.

As their servants in India could not be informed sooner that only 500,000*l.* of India debt was to be paid annually in England, they would have 900,000*l.* of that debt to pay; and unless it should be thought proper to postpone the 500,000*l.* to be paid to the Public, they must be enabled to provide for this surplus charge also. The Committee, he apprehended, would think it more advisable to let them provide for this by adding to their cash account, till the debt transferred from India should be reduced to 500,000*l.* for which orders were now given. While the sales at home were lively and productive, it was highly proper to take advantage of this mode of transferring debt from India to England. In time of war, when the charges were greater and the profits less, it might be advisable to make the transfer of debt less, or to stop it altogether. His own opinion was, that it never ought to be entirely stopped, because then the Company's servants would be tempted to give foreign Companies the benefit of their capital, which would open a door for contraband trade. Nothing could be more injudicious than the old regulations, by which the Company would neither bring home the fortunes of their servants (honestly acquired) themselves, nor allowed them to be sent to Europe by other channels.

It was his intention, in the petition of the Company, to move for leave to bring in a Bill to enable them to continue their old bonded debt at two millions, and to issue new bonds for one million more.

He

He concluded with moving his several resolutions, which were agreed to without any debate, and the report ordered to be received on Monday the 7th.

VOLUNTEER CORPS.

The Chancellor of the Exchequer moved the Order of the Day for receiving the Report of the Committee on the Bill for the encouragement and discipline of such persons as shall voluntarily enrol themselves for the internal defence of the kingdom; which being done, the amendments of the Committee were read and agreed to. He then proposed some other amendments, one of which was founded on the idea suggested on a former occasion, by Mr. Sheridan, that of removing all difficulty as to the time when these volunteers shall be subject to military law. He thought it would be better that such a point should be purely voluntary on the part of the corps, and therefore, before the word "march," he proposed to insert the word "voluntary," so that no person should be bound to march who did not think fit; but after voluntary marching, the Mutiny Bill would of course attach. The amendments were all agreed to, and the Bill ordered to be engrossed, and to be read a third time on Monday the 7th, if then engrossed.

Adjourned.

HOUSE OF LORDS.

MONDAY, April 7.

Their Lordships went, in the usual form, at half past one o'clock, into Westminster-Hall, to proceed with the Trial of Mr. Hastings. At five their Lordships returned to the Chamber of Parliament.

A Message was sent to inform the Commons, that they would proceed further with the Trial on Wednesday the 9th.

HOWARD'S DIVORCE BILL.

Mr. Mingay, Counsel for Mr. Howard, appeared at the Bar, and, in a short and pertinent speech, stated to the House the grounds upon which Mr. Howard prayed to be divorced from Lady Elizabeth, his wife.

He then proved the marriage by the copy of the register, and by the evidence of the Duke of Norfolk, who was present at the ceremony. Other witnesses were called, who proved the elopement of Lady Elizabeth from Mr. Howard in July last, and that she had resided ever since with Mr. Bingham. The sentence of divorce *à mensa et thoro*, in the Ecclesiastical Court, was also proved.

Mr. Mingay then said it would be necessary (as there was a clause in the Bill to bastardize the children which Lady Elizabeth might have after leaving her husband's house) for him to prove that Lady Elizabeth was not pregnant when she left Mr. Howard's house. He called a witness for that purpose.

Mr. Garrow, who attended on the part of Lady Elizabeth, said, he would leave that Lady's case, and that of the child with which she was now pregnant, to the wisdom and justice of the House.

The Bill was read a first time.

PRIVILEGE.

The Earl of Lauderdale called their Lordships' attention to a proceeding which he knew only from hearsay; but which, if truly stated, demanded their most serious regard, as it tended to violate the first principle of the freedom of discussion in that House. He understood, that, on Friday last, a Noble Earl had regularly made a motion in his place; which motion it was the duty of their Lordships, and consonant to all the rules and orders of the House, to entertain and discuss in a Parliamentary way; inasmuch as it was the acknowledged privilege of every Noble Peer to originate, and bring into discussion, in the House, any proposition that he might think material to the welfare, interests, and dignity of the empire. Without this privilege, inherent in every Member, all discussion might be prevented, or be arbitrarily crushed; all the benefits of a deliberative assembly be destroyed, and all the ends of Parliament rendered nugatory. Questions might be overborne by majorities, might be defeated by the artifice of debate, or be got rid of by adjournment; but it was one of the most salutary, as well as most sacred, provisions of Parliament, that, upon every question regularly put, there must be a formal decision. There was no power, that he knew of, existing in that House, which could arbitrarily dispose of any motion, and prevent it from coming fairly into discussion before their Lordships. There was no order by which a proposition could drop still-born from the mouth of the mover, and which he owned and maintained; and any attempt violently to stifle such a proposition in the birth, was destructive of all the rights for which their ancestors had struggled, and without the maintenance of which their existence would be useless. Yet, notwithstanding these clear, acknowledged truths, he understood, that the motion of the Noble Earl, to which he alluded, had been arbitrarily curtailed, and a part of it withheld from their Lordships, without any motion having been made, or amendment offered, to justify such a proceeding. He could not help thinking this a most extraordinary proceeding, at a time when they were called upon

upon so strenuously to maintain the constitution by a war so burthenome and injurious to the country. Here the first principles of the freedom of debate were infringed; and it was therefore of material consequence to their Lordships, that they should seriously inquire into the proceeding. He should therefore desire their Lordships to be summoned to take the proceeding into consideration.

The Earl of Caernarvon said, that he was happy to find that the Noble Earl (Lauderdale) could feel the impression of alarm, however trifling the cause which excited it; it gave him some hopes that possibly he might by degrees grow more indulgent to, perhaps at last participate, the alarm of others, where real and substantial cause produced it. He could, however, having been present, remove the uneasy sensation which an ill-sounded report seemed to have excited in the Noble Earl's mind, by assuring him, that if he had been present he would have heard the Noble Earl's motion, and its extraordinary preamble, with the same emotion which the rest of the House felt, and he would have been convinced that his Learned Friend on the woolsack, so far from infringing the privileges of the House, had acted as became its dignity and wisdom, and his own character and situation, and with the unanimous concurrence and approbation of every Peer present. He would not enter into the detail of the transaction at this moment, as the Noble Earl had given notice that he should make a motion on the subject to-morrow; he was ready, however, either now or then, to maintain that his Learned Friend had in no instance departed from the strictest propriety of conduct, and that in fact what he had done was the unanimous act of the House.

The Bishop of Rochester doubted whether it was regular for the Noble Lord to make a motion upon a subject which passed upon a former occasion when he was not present. He concurred with the Noble Lord who spoke last, in maintaining that the Learned Lord had acted with regularity. After the House had been fatigued with hearing that tedious preamble read, the Learned Lord proposed, as an amendment, to leave out the preamble; to which proposal the House gave their most unanimous approbation. Even the Noble Earl (Stanhope) did not oppose it. Nothing, therefore, could be more regular than the whole proceeding, or more conformable to the privileges of that House.

Earl Stanhope said, the memory of the Reverend Prelate was not quite correct in saying, that an amendment had been proposed to his motion, which had been adopted. He never remembered to have seen a motion put in that way before; for, instead

instead of taking the opinion of the House upon the supposed amendment, in the usual form of *Content* or *Not-Content*, the Learned Lord said, he would take the sense of the House by their *look*. This was even worse than the French Convention, where they decide upon measures *par acclamation*. He thanked his Noble Friend for his attention to the privileges of the House, in bringing forward this motion. He then commented on what had passed on Friday, and ventured to pronounce the proceedings of the House on the occasion to have been unprecedented, *scandalous*, and *atrocious*—

The Lord Chancellor moved to have the Noble Earl's words taken down.

Earl Stanhope reminded the House, that he was speaking hypothetically, and putting a supposititious case; and that *if* the facts were so, then he meant to apply the epithets and expressions he had used, and not to any thing that did pass.

The Earl of Caernarvon said, that the sentence was finished without the word *if*, and indeed was not very good sense with it; for the Noble Lord spoke of a transaction at which he was present, and of which he was a party, and he could not have meant the term "*scandalous, &c.*" as imputable to a supposed case, and added therefore the monosyllable *if*, to avoid the censure due for words uttered in heat. He said that he was always willing to admit any sort of explanation of words which warmth in debate might have produced. The Noble Lord might certainly make an apology, retract the words, or add to them; but it must constitute a clear apology in its nature, not an intended insult under the cover of an *if*.

The Bishop of Rochester moved, "That the Strangers do *withdraw.*"

After the strangers had withdrawn, a warm debate took place, in which *Earl Stanhope* explained. He said, that the Noble and Learned Lord had thought it perhaps the best mode of justifying his conduct to stop him in the middle of a sentence, so as to leave his meaning incomplete. He would repeat, therefore, what he had said, and what he meant to say: It was the most *scandalous* and *atrocious* proceeding that ever took place in Parliament, *if* any such proceeding ever did take place in Parliament. His assertion was hypothetical. Just in the same way he might have him called to order, and have his words taken down, if he had said, "The present King, George III, has no right to the Crown of these Realms—" These words, taken by themselves, would have incurred the penalties of sedition; but if they were part of a sentence, the remainder of which was, "if the Act of Settlement had not passed," no man would say that the expression was not constitutional, correct, and true.

Earl Spencer, in consequence of this explanation, moved to adjourn.

The Earl of Lauderdale said, that he would only add to what he had said before, that the rules of the House had been, in his opinion, unaccountably departed from; and that certainly he would not suffer any motion of his to drop in its passage either from himself to the Chair, or from the Chair to the House, whatever might be its fate in the hands of their Lordships, when fairly put to them.

HOUSE OF COMMONS.

MONDAY, April 7.

The Catholic Attornies' Bill was reported, and ordered to be engrossed.

The Members went into Westminster-Hall, to the Trial of Mr. Hastings.

The Committee on the Norfolk and Norwich Judicature Bill went through it, and ordered it to be reported.

The Plate-Glass Company's Petition was reported, and a Bill ordered.

The Borrowstounness, Twopenny Salts, Dimchurch Roads, Claife and Bennington Inclosure Bills, were reported, and ordered to be engrossed.

Sir George Shuckburgh's Name and the Fazely Canal Bills were read a third time, and passed.

The ballot for a Committee to try the merits of the Sea-ford right of Election, was deferred till May the 8th.

A Message was received from the Lords, stating, that their Lordships would proceed further on the Trial of Warren Hastings, Esq. on Wednesday the 9th.

Mr. Beaufoy brought up the report of the India Budget.

The Resolutions were read a first time. On the question being put for the second reading,

Mr. Francis said, that the Right Hon. Gentleman who moved the Resolutions was not likely to attend the House that day. Some points occurred to him which he wished to state in the hearing of that Right Hon. Gentleman. As many Gentlemen were absent on the opening of the Budget, perhaps the Right Hon. Gentleman was determined not to be present while any thing was likely to be said against it. *Mr. Francis* said he had not attended the opening of the India Budget, and by the blessing of God he never would. But when the Bill was brought forward for the relief of this thriving, flourishing Company, he might have some observations to make. He

should

should only say, that, notwithstanding the very favourable description given of the affairs of this Company, the result of the whole of their unparalleled success was, that they were to borrow two millions of money. He should say no more on this business until the Right Hon. Gentleman should attend.

The Resolutions were then read and agreed to.

The Chancellor of the Exchequer moved, "That the Petition presented on behalf of the East India Company on the Subject before the House be read." Which being done, he moved, "That Leave be given to bring in a Bill to empower the East India Company to continue a Bond Debt of Two Millions, and to increase their Capital to a farther Sum, to be limited as Circumstances may require."—Granted.

The Lottery Bill was presented and read a first time.

BILL FOR EMPLOYING FRENCHMEN IN THE BRITISH SERVICE.

The Chancellor of the Exchequer reminded the House of the notice which he had given a day or two since, that he had a motion to bring forward, for leave to bring in a Bill, that his Majesty might be enabled to avail himself of an opportunity of employing in his service subjects of France under certain descriptions. The advantage of the plan he trusted would appear in the course of the campaign. He did not think it probable that any opposition would be offered to the measure in the present stage of it, and therefore, unless he found he was deceived in that idea, he should not enter upon any observation upon the subject at that time. The Chancellor of the Exchequer said, it was obvious to him that many advantages might be derived from a force of this sort, when the nature of the present war, under the circumstances of France, the number of subjects driven from that country, and the number now in France who would be ready to avail themselves of an opportunity, but who had not yet been able to emancipate themselves from the unexampled tyranny of their own Government, and the many other circumstances which might occasion their rising into resistance to their present Governors, were taken into consideration. Upon that ground therefore it was that he should move, "That Leave be given to bring in a Bill to enable the Subjects of France to enlist as Soldiers in his Majesty's Service on the Continent of Europe, and other Places, and to receive Officers in such Regiments, or Engineers, under certain Restrictions."

Mr. Francis said, that this subject, on the first view of it, appeared to be of great importance, and likely to give rise to a very full discussion. He wished to know, whether these fo-

reigners were only to be raised and paid in a foreign country, or to be here? or were they only to be raised and kept abroad, as the service might call for them? He did not speak positively, but he understood that the Duke of York had men of this sort as British troops already under his command. He should be glad to receive some information, whether this corps was to be abroad, or, being raised here, they were to be employed here?

The Chancellor of the Exchequer said, the measure was to raise a corps of this kind abroad, and to confine their service to service abroad; at the same time he was ready to say, it was possible they might be brought to some place in this country, as a place of rendezvous, somewhere near the coast; and they should not be brought more than a certain number of miles distance from the coast in this country. The whole of the plan however should be laid before Parliament.

Mr. Harrison observed, that there was already in circulation a hand-bill stating, that Frenchmen were now raising in this country, and inviting the emigrants to enlist, which he considered as an indication of an intention to raise those troops within this country.

The Chancellor of the Exchequer said, he was entirely unacquainted with such notice. If such hand-bills existed, he was an utter stranger to them.

Col. M^r Leod alledged, that these hand-bills were circulated in all quarters, offering levy money of 12 guineas for foreign recruits of one size, eight guineas for another size, and six guineas for a third. This was done in so public a manner, that notwithstanding the minister's declaration, it was impossible for him to be unacquainted with them. Here the Colonel being loudly called to order, apologized very readily, but added, that if such transactions took place without the knowledge of the ministers of the Crown, it was no small proof of very culpable negligence.

Mr. Harrison said, it was a very public thing, and that the bill he alluded to was stuck up against the wall of the Admiralty Office.

Mr. Vansittart thought, that the emigrants in this country might enlist under this Bill without impropriety or objection.

The Chancellor of the Exchequer declared, he did not mean that they should be prevented.

The motion was put and carried.

VOLUNTEER CORPS.

The Chancellor of the Exchequer moved the Order of the Day, for the third reading of the Bill for the encouragement and discipline of such persons as shall voluntarily enlist themselves for

for the general defence of the country: Which being read, he moved, "That this Bill be now read a third time."

Mr. Francis desired that a particular clause in the Bill of Rights might be read, which being accordingly done, he said, that, in contemplating the question before them, the House must keep in view two different duties. The first, Whether the service proposed was wanting? and the second, In what manner that service should be provided for? The latter was the point which now immediately demanded the attention of the House: And if, instead of exercising their power to provide for that service, they delegated it to another, they were, in fact, guilty of a violation of the trust reposed in them; that is to say, if, instead of providing for the proposed augmentation themselves, they suffered the executive government to interfere by receiving subscriptions, they betrayed the trust reposed in them. The Bill of Rights specially provided, that no money should be raised or levied by the King but by the grant of Parliament: The House of Commons alone had that right: It was not the only duty of that House, on the question of supply, to vote or refuse the supply; but having voted the supply, it was their duty to determine the manner in which the supply should be raised. By the present Bill that part of their duty was entirely laid aside; being delegates themselves, they had no right to delegate it. He therefore would protest against the measure. A learned Serjeant (*Mr. Adair*) had promised to offer a clause to be introduced into the body of this Bill, for the purpose of legalizing these benevolences; he should wait to see how this could be done; although, for his part, he had much rather not have a Bill that he entirely disapproved of, bettered in any particular part, because he would not have the public disapprobation of a bad measure, lessened by a partial amendment.

Mr. Serjeant Adair rose to reply to the comments that were made by *Mr. Francis*, which seemed to lead to a clause that he (*Serjeant Adair*) had proposed to bring into the Bill; but

The Speaker observing, that it was not strictly in order to speak to a matter not before the House,

Mr. Serjeant Adair said, that what had fallen from the Hon. Gentleman did not at all apply to the intended clause, and sat down.

Earl Wycombe said, that, much as he disapproved of the measure which had of late been so much the subject of discussion, he should not have troubled the House with any comment on the measure before it, if justice to a Noble Relation (*Lord Lansdown*) did not demand it. That Noble Person had, in 1782, as Secretary of State, written a circular letter to the Lords

Lords Lieutenants of counties, mayors and magistrates of great towns, &c. That letter had been commented upon by a Right Hon. and Learned Gentleman (the Attorney General) in a manner which, highly as he respected that Gentleman, truth obliged him to declare, was in the greatest degree unfair and uncandid. The Learned Gentleman had compared the transaction of 1782 with the present; though there could not be two measures more dissimilar; and, to support that comparison, had brought about seven letters out of 140, which had been written in answer to his Noble Relation's circular letter, before the House, made them a comment on it, and thence drew inferences which, if the letters had been fairly stated to the House, could not have been reasonably deduced from them. His Lordship entered into a comparative statement of the two measures, in order to shew that they were in no point similar. The object of the former was to arm the People, that of the latter to arm the Crown: The former operating as an appeal to the sentiments and approbation of the People; the latter precluding them from all such interference. That these essential differences really existed between the two measures, he said would be found by a very slight examination into the provisions contained in them. In the plan submitted by his Noble Relation to the Country, the officers to the several corps to be raised, were to be nominated by the recommendation of the Lord Lieutenants of the several counties, whose local knowledge enabled them to select the persons most proper for such a trust; by the present Bill, the officers were to be nominated by the Crown alone—in the former regulations, officers were required to possess property in the part of the county for which they were nominated to command; at present no such regulation was adopted. By the former plan, the times of exercising the men were fixed for Sundays, holidays, and hours after work; that regulation was, in the present measure, entirely left to the will of the Crown. Then, the corps were not liable to be called out upon service, but upon the existence of actual danger; in the measure of the day they were to be subjected to all the severities of martial law, upon what might be construed into the appearance of danger, or even of riot. But above all, and what formed the essential difference between the present and former measures was, that whereas the one went to raise no supplies whatever, because it was so calculated as to avoid all expence, the present was calculated to authorise the raising supplies independent of that House, and in violation of its prerogatives. It had been contended on a former night, that the intention and existence of a plan to raise a subscription in 1782, was demonstrable from the answers stated to have been received

received to the official letter. Not to remark how much more natural it would be to judge of that fact from the letter itself, than from any answers thereto, he could not but consider it as a most gross, partial, and illiberal mode of judging by the tenor of six or seven answers out of a hundred and forty-four, which had been actually received. For his part, he had had an opportunity of seeing many of those answers; and he had no hesitation in declaring, that, from the tenor of them all, there was no such thing as subscription appearing to be understood by them. In the former debate too, the propriety of subscription had been attempted to be justified by the precedents of naval armaments, which had at different periods been equipped by the exertions of individuals; and he was ready to admit that fact, particularly the one which occurred upon occasion of the Spanish armada. For his part, he saw no great objection to those, because in the case of naval armaments no great danger could arise to the liberties of the country from any naval exertions, as in the land service, where the very shadow of liberty might be destroyed by the extent to which the effort might go.

The Attorney General replied to his Lordship, and said, that he would not allow any man to state against him a charge of want of candour, without at least calling on him to prove it by something more than bare assertion. After having listened with great attention, he could not refrain from declaring, that the Noble Lord who spoke last had, in his judgment, completely failed in his attempt to shew the difference between the two cases. He had not, he hoped, the self-confidence to assert, that, because he could not see it, there was no positive distinction; but he would aver that he had not heard one argument which, to his judgment, went to prove that there was a real difference of principle between the two measures: That judgment he had a right to exercise, and he should in no case fail to do so, and give, as was his duty, the result of it to the House. He scouted the idea of the Noble Lord, that it was laudable to subscribe for ships, and yet not lawful to subscribe for men to man them. It was in the truest sense of the words a distinction without a difference. *Mr. Attorney* concluded by shewing, that a variety of subscriptions had actually taken place in various parts of England and Scotland, under the circular letter of Lord Shelburne in 1782.

Lord W. combe rose to explain.

Mr. Grey rose to reply. He declared that he remained of the same opinion he had stated upon a former night; that to produce five or six answers out of such a number as were received, for the purpose of criminating the Noble Lord who had

had issued the circular letter, was unfair and illiberal. He was ready to abide the judgment of the House, upon an impartial examination of the two plans; the comparison of which he was not afraid of. In the plan of 1782, there was no solicitation whatever on the part of the Crown, nor did the word *subscription* once occur in it. Indeed the whole was a plan calculated to avoid expence. By it the serjeants and corporals were to be paid by the Crown, who consequently would be obliged to apply to that House for the means to pay them; even the arms were to be found by Government, and not by the people; so that the privileges of that House were strictly preserved and attended to throughout the whole of it. The Noble Lord had stated his assent to naval armaments by the subject; he for his part should object to such practices either for land or sea service; but still there was a manifest distinction between the two cases, as it was apparent there existed a danger to the public freedom in the one, which could never apply to the other. He again repeated his opinion of the uncandid way of proceeding, in producing a partial display of the answers, and arguing from them as if they spoke the sense of all that had been received. For his part he should act, as he would have a right to do, were he to deal with the Learned Gentleman in a court of justice; he would consider them as mere forgeries, and undeserving of credit or attention, unless the whole were produced. Some of those answers he had seen, particularly those from Devonshire and Exeter, wherein the idea of subscription was certainly not to be found. He was ready to admit the claim of candour made by the Learned Gentleman; but still he conceived that it would have been more firmly established by practice than profession.

Mr. Rolle said, that, to his knowledge, there were subscriptions entered into in the counties of Devon and Cornwall in 1782; and if they were illegal, he would be glad to know why they had not been resisted, and declared so.

Mr. Ryder combated the arguments that had been advanced by the Hon. Gentlemen who wished with the same breath to stigmatize the present measure, and justify that of 1782. He said he heard nothing like argument from them, but mere assertion, without the colour of fact. It was worthy of remark, that these Hon. Gentlemen would defend the measure of 1782, on the pretext that it was not money, but arms and accoutrements, that were then subscribed; which was saying, that it was illegal to subscribe if the subscription was in the shape of a guinea, but legal if in the shape of a musket or a canteen. In such miserable distinctions he hoped that the safety of the constitution was not to rest; and he trusted that the House would

would treat them with the disregard and indifference that they deserved.

Mr. Curwen maintained, that there was a clear distinction between the measure under consideration and that of 1782. He thought the former justifiable on constitutional grounds; on the contrary, the present appeared to be a measure calculated to keep up a system of delusion among the people. He thought also, that if there was any danger, the minister should state it; if extraordinary means were necessary, it was the duty of those who possessed large property in the country to stand forward; and in that case he hoped Gentlemen of fortune would sacrifice at once all they could spare for the benefit of the Public.

The Chancellor of the Exchequer said, that, unwilling as he was, on any occasion, to take up the time of the House, and universal as the assent to the principle of the Bill seemed to be, he could not resist the desire he felt to give his sentiments on two or three points which had been substituted in the place of argument by Gentlemen who opposed the principle of supplying the exigencies of the State, under certain circumstances, by voluntary contributions: And he could not refrain from calling the notice of the House to the way in which the argument had that night been managed. From the use which had been made of the argument respecting the letters, he said, one would be induced, *prima facie*, to suppose, that the whole merits and substantial principles of the question depended on the Circular Letter of 1782: But, in order to get rid of the unavailing and useless subtleties which were built on that, he would waive the force which the present measure derived from the authority of that in 1782, and, for the time, suppose that there had been no such letter written, no answers to it received, no meetings held, no subscriptions entered into: Yet, on a general view of the laws and constitution of the country, as they appeared written in statute books, handed down by precedents, and confirmed by the first and most respectable authorities, legal as well as political, that the page of British history, or the records of jurisprudence could boast of, and on a fair construction of those laws and that constitution by principles of reason and truth, the measure would be found to stand on the firmest grounds, and to resist every attack that subtlety and ingenuity could possibly devise, or temerity venture to make upon it.

With regard to what had been said by a Noble Lord respecting the construction of the Letter in 1782, it had nothing to do with the Bill, but was merely an attempt to vindicate a particular set of men from a charge of inconsistency: He put

it to the consideration of the House, whether a great national question ought to be suspended, merely for the purpose of proceeding on the trial of a few Gentlemen for inconsistency? As to the measure of 1782, so far from thinking it a subject of crimination, he thought it a measure highly laudable: But having thought it right in 1782, he should think it highly criminal, indeed, to raise any objections to a similar measure in 1794, when the country, as respecting not only its internal state, but its various relations with the rest of Europe, so much more loudly demanded the adoption of such a measure. And here, he said, an explanation of his principal motive for opposing the production of the letters in answer to that of the Secretary of State in 1782, came in with peculiar force, and would come more completely home to the bosoms of the House than at any other time: For producing the papers would be a virtual admission, that the merit of the present case hinged and depended on that of 1782, and those letters; an idea which he deprecated and was determined to resist *in limine*; he had therefore set his face against the motion for those papers; at the same time he was convinced that he was supported in it by the cordial sentiments and genuine opinion of the House. He must, he said, notice one observation, however, which had fallen from an Hon. Gentleman (Mr. Grey), namely, "That as the letters were not all produced in form, he (Mr. Grey) would, in imitation of the practice of courts of law, deny the authenticity of such as were produced, and say that they were fabrications and forgeries." Such terms might possibly be used by the Hon. Gentleman when he thought them useful to his argument: For his part, he doubted whether they would not be reprobated for their coarseness, even in a court of law; but he begged leave to remind the Hon. Gentleman for his instruction, that he was then in a *Court of Parliament*, and that his language was, to say no worse of it, more adapted to an advocate at law than a Member of Parliament.

Gentlemen had laid a good deal of stress on the contents of the various letters which were written in answer to that of the Earl of Shelburne in the year 1782, and not produced by his Learned Friend in the course of his speech on this subject the other night. He must confess that the eagerness displayed for the production of the whole of that correspondence, for the purpose of general information, did not appear to him to be totally free from suspicion. He had great doubt whether these Gentlemen were in reality so ignorant of the contents of these letters as they seemed to be by their zeal for the production of them.—He should be led to suppose, that

that if they had accounts of these letters of such accuracy as to be able to state their number with precision, they might by possibility have been enabled to read the contents of them. They stated the number in all to be 144. That they should have possessed themselves with such accuracy of the number of these letters, and yet be in total ignorance of their contents, was, under all the circumstances, what he felt himself much inclined to doubt. He believed too, that if the selection of his Learned Friend of those letters was really an unfair one, some of these Gentlemen would have found means to prove it; there was, however, no regular Parliamentary ground for the production of them; and that he must again beg leave to say was the only reason why he objected to it; for as the case stood, there was nothing that made it regular or even decent that they should be produced. So little disposition had he to conceal these letters, that he would declare, if there was any one advocate on the other side, who had any real wish, as a matter of information, to know the contents of all the letters alluded to, either for himself or his party, there was not one of them he should not have an opportunity of looking at. He should be very glad to go further, and to make the correspondence complete, for he wished to show the replies of the Secretary of State to these letters, in 1782, but he was not able to do so, for he did not find any one of such replies at the office, not one reply now remaining in the office. If there were any replies, and these Gentlemen knew of them, and would have the candour to bring them to him, he should be very glad to make an exchange with them; however, these were terms he had no right to insist on, they were only matter of civility, in which Gentlemen were at liberty to follow their own inclination; he should not retract his offer—the answers they should have in the way he mentioned; for there was, in reality, no disposition on his part for any concealment in the business: This was the true and precise state of the question with regard to these letters. But, after all, what passed in the year 1782 was not fully applicable to the dispute between Gentlemen on the other side and his friends and himself; and after what had already been said on the subject, it would hardly be necessary for him to add to what had been advanced by his Learned Friends on all the topics. The great point which went directly to the principle of the thing, was clear, namely, that subjects might subscribe to a plan for the assistance of the executive government, on the sanction of Parliament to be afterwards given. This was seemingly admitted by the Right Hon. Gentleman himself (Mr. Fox) in the course of a debate

on this subject on a former night; for, in speaking of the nature of the plan of 1782, he had admitted that although there was no regular pay to the corps to be employed in pursuance of the recommendation of the Secretary of State's plan, yet some of them were to be allowed something for loss of time, although he said he did not know how. It was not material how, for this was admitting there was to be an expence for which Parliament had not made any provision. It was true that this was but a small object, but then if Gentlemen were determined to adhere to a dry, strict, abstract principle, the instance, however trivial, was inconsistent with that principle, as much so as if the whole expence of government was involved in it.

The distinctions of the Noble Lord (Wycombe) all went, the Chancellor of the Exchequer said, to the mode of executing the measure, but not to the true constitutional point; for while he reprobated the subscribing for an army, he approved of raising subscriptions for ships, gave a number of cases which had been already mentioned in point by his Learned Friend (the Attorney General), and had added his contribution also, by stating an additional instance of the subscription for encountering the Spanish Armada; for which last instance of his favour he begged the Noble Lord would accept his thanks: But while he conceived so much to be due to the Noble Lord's politeness, he thought it was equally due to truth to say, that although the Noble Lord had said, that an augmentation of the navy could not hurt or endanger the constitution, an augmentation of the army might. The Noble Lord's distinction between subscribing for an navy and for an army was downright subtlety, mere fallacious casuistry, too flimsily and slightly covered, to escape detection even from the weakest sight. "For, first, (said he,) he states, that all voluntary contributions are illegal; yet admits that for a navy they would be justifiable: Here, then, ends the great abstract principle. But then the subscription, not illegal *per se*, is vitiated by its being for *an army*; this is directly confounding the end with the means; that is to say, the *end*, not the *means*, vitiated the measure: For if it was true that a subscription could not at all be taken, nor any money levied but by the direct order of Parliament, it could be no more done for one branch of the public service than for the other. In the next breath the Noble Lord contends, that the case in 1794 was adverse to the laws and constitution: While that in 1782 is perfectly legal, because the same means (voluntary contributions) were not pursued, though the end was the same; namely, to raise an army: And thus the simple fact of raising an army

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in 1794 is to be the destruction of that constitution, and the ruin of the noblest fabric which the wisdom of man has ever raised; but, in 1782, was so laudable, so legal, and so constitutional, as to be held up in contrast to the mischiefs now threatened. Whatever popular opinions might lead some persons to form more favourable ideas of one than of the other; the truth indeed was, that there was not in the history of this country to be found a war in which the privilege of subscribing to the assistance of Government against the enemy, had not been enjoyed by the people of this country, and in the course of which there were not to be found answers to all the objections that had been started to the present measure."

Having stated the fallacy and absurdity of this mode of reasoning, he proceeded to shew, that though the Earl of Shelburne's Circular Letter was alledged by Gentlemen to have excluded all idea of subscription, it was not so understood through the country. The county of Sussex, which had, by public subscription, raised and supported a large military force in 1779, 1780, and 1781, immediately on receiving that letter, and thinking it to imply a desire of subscription, set on foot contributions in consequence of it; and actually raised and grafted on their former establishment, no less than three additional companies. Here then, he said, was, according to the principles maintained by the very Gentlemen at that time in power, a manifest violation of the constitution. Why did they not then resist it? Why not make it a subject of Parliamentary investigation? And what, he demanded to know, was so properly an object of their jealousy, as an illegal and unconstitutional act, committed on the footing and authority of their own letter? They should have stepped forward, and saved their country from the impending ruin. But did they do so?—No! They knew that the measure was legal, constitutional, and salutary; though, unfortunately for the credit of their politics, their sentiments changed with their situations, and they now thought it illegal, unconstitutional, and mischievous!!

He next proceeded to shew, that, taking them in a legal point of view, voluntary contributions were equally justifiable; and he established it by a variety of the most indubitable authorities. In the year 1746, he said, it was called into question, and decided unequivocally by Lord Hardwicke. On that occasion many great men raised regiments at their own expence: And he wished to know who that man was that would be so regardless of reputation as to say, that great men might legally, and with safety to the constitution, subscribe, and that 3 or 400 yeomen should not?

Gentle.

Gentlemen had said, that if contributions were purely spontaneous, they were legal; but if made on the solicitation of Government, not so. To the spirit and principle of this distinction he avowed that he would never assent: But, taking for granted that it was so, no skill or ingenuity could rescue the case of 1782 from coming under that anathema; for he would maintain that the letter of the Secretary, and the plans inclosed in it, contained in them a solicitation which in 1794 would be called a mandate.

He entered into a summary animadversion on all the precedents, since the Revolution down to the year 1778, which had been quoted by the Attorney General on a former occasion; and maintained they were decisive of the question.

He reminded the House, that in the year 1759, the city of London entered into large subscriptions. The county of Hants, by a subscription, of which he had then a list in his possession, raised 800 men. The ministers of that day returned thanks, in the King's name, to the city for their contributions; and he put it to the sense and candour of the House to decide, whether the very act of returning thanks was not as strong a suggestion to other parts to do the same, as any specific invitation from ministers could have been?

One of the innumerable instances in which contributions had been solicited, that in 1778, he said, was the only one that met with opposition, though, in the whole of that war, it was practised at various periods, and divers places. He had for many reasons great respect for the illustrious characters (Lord Camden, Mr. Burke, and others) who gave their opinions on that subject, against the legality of subscriptions; but with all the esteem he had for them, he could not help observing that no man who had observed upon human nature, could fail to see that in the most enlightened minds there was a bias, which on certain occasions, and under certain circumstances, operated upon the judgment, and sometimes led it to mistake the means for the end; and men, in deciding upon principle, even were subject to this abuse of the understanding; this, with all the due deference for the great characters he alluded to, appeared to him to have been the case with them, in the discussion of the subject, in the year 1778: They were then deciding on a question, implicating the American war—a war against the principle of which they had often protested, and therefore they thought they supported the principle they so virtuously maintained by deciding against the measure then proposed, and, without knowing it, confounded the means with the end. In this view did it appear to Parliament, which determined against the opinion of these great men.

men. But, supposing the opposition had succeeded then, it would not go to vitiate the present measure; it being, of all other cases, the least analogous to it; for the subscription of that day was to be applied to such purposes as the King should think proper to direct, whereas that at present proposed was to be applied by Parliament to a particular object. Since that period, viz. in 1779, 1780, and 1781, many instances had occurred of a similar kind; and he maintained, that it was presumption amounting to proof, that the acquiescence of the House in all those instances up to 1782, notwithstanding the agitation of the question in 1778, arose from a conviction of the legality and usefulness of the measure. And to confirm the House in the positions he had laid down, he said he would mention, that the King's Speech in 1782 referred to the subscriptions, and particularly to an offer of a man of war by a respectable individual, now a Noble Lord (Lord Londale). Immediately after that, there appears on the Records an entry of a motion by Alderman Wilkes, to prevent contributions; and, notwithstanding all those circumstances, the address of the House of Commons on that speech passed *nemine contradicente*—a pretty clear proof that Parliament at that day did not behold with so much terror, as was now expressed, the idea of subscriptions.

Gentlemen, he said, talked loudly of liberty, while they seemed to be most willing to encroach on it when it answered their own purposes. He knew that a portion of individual liberty was often necessarily sacrificed for the general good; but it must be in cases where the general evil would be greater than the individual. In the present case, the first liberty of the subject, the right of disposing of his own property, was attempted to be torn from him; while the general good would be promoted by the free exercise of that right, and the unrestrained enjoyment of that liberty. He laid it down as a maxim in the law and constitution of England, that every man had a right to apply any part of his property he pleased for any legal purpose, unless expressly prohibited by statute; and maintained there was not in the whole of our statute book one prohibition with regard to subscriptions in carrying on war. The Bill of Rights, he said, had no more application to this subject, than any other in the statute book; and having said this, he disclaimed all intention of speaking with disrespect of that great and justly revered law; he disclaimed all idea of offering any disrespect to any Gentleman who might quote it. He thought, however, it had been misapplied.

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He adverted to the several statutes against *Benevolences*, and shewed, to demonstration, that they were really statutes against exactions. The people had been compelled to contribute, and Exchequer compulsory process had issued against them, to exact that which was falsely denominated a free-will offering.

On the reason of the thing, he said, he should be very short. What were the grounds of the alarm which Gentlemen had expressed? They said this plan went to overturn the constitution, because it trenched on the principles of the constitution, by interfering with the functions of the House of Commons. The whole of that point appeared to him to depend on the mere application of terms. It was known that in this country no money could be taken from any individual without his consent, but he could only give, it was said, his consent by the collective voice of the people in Parliament: That the House of Commons were the guardians of the public purse, and it was necessary that the conduct of the executive power should recur often, and be subject to the revision of that House. He conceived this to be just for internal police, and for external defence, both in time of war and peace, and that nothing should be carried on without that House knowing it, and that they were the means of granting to the King the necessary supply. That dominion which the commons exclusively possessed over the general wealth of the nation, was a wise provision to render the executive government dependent on Parliament, and by that means indirectly responsible for the just discharge of their office. Would any man tell him that the subscriptions in question really interfered in an essential manner with that principle, or that, in point of fact, these subscriptions trenched on that constitutional controul, which the House of Commons had over the real and substantial supplies to be given to the executive power, so as to endanger the constitution itself? The fact was, that, in numberless instances, that abstract right had been often intrenched upon, and yet it never tended to raise apprehensions in any man. It was, indeed, he thought, a strange, a chimerical mode of speaking, to say, that at the moment when every thing in the circumstances of the times tended to push people to opposite motives of action, they were likely to make the King independent, and that the people would conspire for the destruction of themselves, their property, and their constitution. The navy and army establishments, he observed, were in ordinary four millions of money annually; in time of war much more was added; yet while Gentlemen argued that the subscriptions must be incon-

siderable,

siderable, and inadequate to any material purpose, the general tenor of their argument led to the supposition, that the voluntary contributions possible to be raised would be sufficient to furnish, not only the ordinaries, but the extraordinaries also, immense as they were; a supposition so absurd, that it should serve to excite pity and laughter rather than any serious consideration.

Cases which, though extreme, are yet not physically impossible, might be brought forward *ad infinitum*, in order to extinguish all those principles of action which arise from experience and probability. Against such extreme cases there was no guard but the great improbability of their ever occurring; but what power that even imagination could conceive would be safe, if that principle of suspicion was carried to the extent to which art and ingenuity might strain it? Gentlemen might find objections on the dry, abstract, theoretical point, but there was no real or probable danger, and this had been found by the practice of every war; and when Gentlemen were disposed to insist on the theoretic inconsistency of a subscription from individuals, and that of having a representative body for granting supplies, he would refer them to every period of our history, and then tell them, "My experience is a good argument against your theory." Indeed it was not by attending to the dry, strict, abstract principles of a point, that a just conclusion was to be arrived at in political subjects. They were not to be determined by mathematical accuracy. Wisdom was to be gained in politics not by any one rigid principle, but by examining a number of incidents; by looking attentively at causes, and reflecting on the effects they had produced; by comparing a number of events together, and by taking, as it were, an average of human affairs. This was the true way to become wise in politics: Not by adopting that false philosophy which seeks perfection out of that which is imperfect in its nature; which refers all things to theory, nothing to practice; which rejects experience, and brings the principles of science to things not capable of receiving them; which substitutes visionary hypotheses for the solid test of experiment, and bewilders the human mind in a maze of opinions, when it should be employed in directing to action; and which would proceed, as it were, *per saltum*, from the indulgences of theoretical systems to the execution of them; but the chasm is wide, indeed, between the practice and the imaginary point to which those alarmists would carry things: That pedant politician who thinks to make a political machine perfect in all its parts, and regular in all its movements, thinks of that which can exist only in the imagination; the various checks and counter-

could be no ground for apprehension, because, if the people suspected that it might be employed against their liberties, they would not subscribe; and if they did subscribe, the deluded people of France must see the falsehood of what their rulers were daily telling them, that the English government, not the English nation, were their enemies. He was sorry to see, that, for a considerable time past, not the English government, but the English nation, had been held out as the object of abhorrence to the people of France. Supposing the case to be otherwise, the rebels of France would say to the people, "Mark the number of the subscribers in England; they are the only persons who are averse to our principles; all the rest of the English are obviously our friends." All this arose from the mischievous distinction attempted to be made between the rich and the poor; classes of men who were taught to believe that they had separate and even opposite interests in society, while their true interests were one and the same. What was the common language of the French? That the rich only were their enemies, and all the poor their friends. Would not the subscriptions inflame this language, and enable them to say, "The rich only, and persons connected with Government, will contribute to the defence of the country; the rest of the people are ready to receive us with open arms." Nay more, the measure would not even mark the distinction which ministers pretended to expect from it. Many persons, as zealous for the war as ministers themselves, might object to a subscription, on the recommendation of the Crown, as unconstitutional; many who, with him, thought the war unnecessary and impolitic, would do so too; and yet ministers knew that both these descriptions of men would be as ready to oppose a foreign invasion as they would themselves. In 1778, when voluntary subscriptions were opposed, were not France and Spain on the point of declaring war? Was any man supposed to oppose them because he wished the country to be invaded by France? What Englishman did not as much abhor an invasion of his country by Louis XVI. great as the moderation and the virtues of that Monarch were, as by Robespierre and Danton? Were Marcus Aurelius to revive from the dead, who would not subscribe, if necessary, to oppose an invasion by his arms? The question was not, who was the invader; the resistance was made to an invasion by a foreign foe.

The Right Hon. Gentleman had enlarged on the impossibility of arriving at perfection; a position of which most of his hearers were probably convinced before. The exertions of human creatures were not to attain perfection, but to come as near it as they could. How did this apply? Those who thought

thought with him, contended only, that calling for voluntary subscriptions was a prerogative which the Crown did not possess; while those who took the other side said, the King must possess the prerogative, because human institutions could not in the nature of things be perfect. In what respect would denying this prerogative clog the wheels of Government? Could any instance be pointed out, in which the country would suffer if such a prerogative did not exist? It was said on the other hand, a prerogative that can do no good can do no harm. The prerogative in question might be efficient for mischief to the country, but never could produce advantage. While no danger was apprehended to the constitution at home, mens confidence in Parliament, for providing adequately for the defence of the country against danger from abroad, would make them think it unnecessary to be eager in coming forward with individual subscriptions; but for purposes of mischief, tending to subvert the constitution, in which many might be interested, and for which Parliament would not provide, individual subscriptions might be large and dangerous.

Mr. Fox said, he disdained the defence set up by the Right Hon. Gentleman for the proceeding in 1782. Rather than defend it on such grounds, he would frankly own that it was inconsistent with the opinion he had held in 1778. In the letter of the Secretary of State on that occasion, he saw nothing analogous to the request for private subscriptions. It did not even contain an allusion to any subsequent application to Parliament; a clear proof that it was not meant to convey any request for raising money. If he had been capable of erring on that occasion, the other Members of the Cabinet, and the Marquis of Rockingham, who was at the head of it, a man whom, both on account of his public character and his private worth, he could never mention but with reverence and affection, would not have suffered it. The measure now adopted was inconsistent with that of 1782, as was the measure of 1778; and those who had opposed the subscription of 1778, and supported the present, were the persons to whom the charge of inconsistency applied. His having suffered the Address of December 1782, in answer to a Speech from the Throne, alluding to subscriptions entered into after he was out of administration, to pass *nem. con.* was no reason for saying that he approved of those subscriptions. A Right Hon. Gentleman (Mr. Burke), in terms the most eloquent and splendid, objected to almost every part of that speech, and yet suffered the address to pass without moving an amendment. The answers to the letter from the Secretary of State of 1782 he had no means of seeing, although they were constantly made the ground

ground of argument against him. It was of little consequence to be told, that they were not referred to as proofs of inconsistency; for unless he could say, with some other Gentlemen, that he thought one way at that time, and another way at present, the arguments built upon them could prove nothing but inconsistency. The Right Hon. Gentleman who had refused to produce them for the information of the House, had that day offered to shew as many of them as he could. He regretted that the offer was made just at the time when all discussion upon them was likely to be at an end. He should have thought that the Right Hon. Gentleman who warned an officer (Sir James Murray) not to give any information to the House, unless called for by a vote, would have warned his Learned Friend (the Attorney General) against producing as matter of argument, papers which he could not suffer to be laid before the House as matter of information.

The attempts made on this occasion to prove him inconsistent, Mr. Fox declared, were highly flattering: For what could be more flattering than to rest the defence of a measure almost entirely on some opinion that he was supposed to have entertained twelve years ago? In 1782 the whole measure proceeded upon a principle in which he and the Noble Lord (Shelburne), then Secretary of State, agreed, however they might differ on other points, *viz.* that the people had a right to arm in their own defence, without the orders of Government. On that occasion no man was called upon for money; the expence, whatever it might be, either in respect to arms or time, was to be paid by Government. On the present, money was the only thing asked for. He undertook not to maintain the legality of giving ships to the Crown by subscription, although of that, as a Noble Lord (Wycombe) had truly said, the danger was small, because ships could not be manned without money. In the present instance, an army was to be levied by the King with money given without the consent of Parliament. If the measure of 1782 was similar to this, it was strange that those who disapproved of the subscriptions in 1778 should not have told him of it at the time. If it were true, as contended for, that the King had the prerogative of landing foreign troops, he might get money to pay those troops by voluntary contributions. The fund would probably last for a very short time; but when the troops were landed, and so paid for any given time, he should be glad to know how long the subscriptions would be voluntary? Men who refused to subscribe would then be marked in a very different way from that in which it was at present supposed they would be marked. That such power could not exist in a free constitution, it was
easy

easy to maintain in defiance of all the precedents that could be quoted.

Mr. Fox examined the several precedents; arguing to shew that they did not apply; and observing, that those who thought the degree to which a principle was carried in politics to be every thing, ought to see the necessity of watching and resisting the very first degree from the manner in which things inconsiderable in themselves were drawn into precedent. An invasion by the French, as he had before said, was equal in all possible cases. It was a thing which every man must resist, not only with his property but his life; and what greater peril could be stated? No man could at this time be said to refuse subscriptions upon the same grounds as certain persons were supposed to have done in 1745. Then it might be possible, although he did not know it to be so, that some individuals might feel themselves in such a situation, as to think they could be bettered by restoring the House of Stuart to the Throne. Was there a man in that House who could be bettered by a successful invasion of the French? Who, under such a calamity, could even hope to be safe? Those who were most apt to throw out the insinuation, did not themselves believe it, because they knew it to be impossible. The Right Hon. Gentleman said the subscriptions were desirable, inasmuch as they would draw forth mens opinions. Would he say, as a man of honour, that he believed any person who refused to subscribe had a French ticket of civism in his pocket, or held a French invasion in less abhorrence than he did himself? Here then was a new objection, *viz.* that people might feel themselves forced to subscribe under a menace of the severest kind, namely, a menace to their reputation as good citizens. Under all these objections, and finding it not relied upon as a measure of finance, for the Right Hon. Gentleman had owned that he expected little from it, he must persist in his opposition.

The Chancellor of the Exchequer said, he had only argued that the Right Hon. Gentleman moved no amendment in the address of December 1782, and therefore must be understood, as not having disapproved of the subscriptions alluded to in the speech. In proof of this, he read an extract from the Journals. He had not recommended the present measure as tending to mark men, but as tending to give vent to the general voluntary disposition of the country. He had made no distinction between the rich and the poor. He had looked at large to the subscriptions of the one, and the personal service of the other.

Mr.

Mr. Fox said, the extracts from the Journals proved only that there had been some debate upon the occasion, and that he himself, in particular, although he moved no amendment, had stated the same opinion which he maintained at present.

The Solicitor General said, the opposition to the measure seemed to him intended only to alarm people, as if there were some intention of subverting the constitution. The doctrine that the people had a right to arm themselves without the authority of Government was the most dangerous he had ever heard. He entered at large into a defence of voluntary subscriptions, which, he said, were justified both by law and ancient practice. No subscription was illegal, unless for an illegal purpose. If a great majority of the country wished to change the constitution, a resolution of Parliament would be no obstacle. The supposition of foreign troops being paid by voluntary subscriptions, was as impossible as the supposition that any Member of that House could wish success to a French invasion.

Mr. M. A. Taylor rose, when the House expressing an anxiety to adjourn, *Mr. Taylor* said, he could assure the House, that it was not his intention to detain them long, and therefore he hoped for a patient hearing. He was strenuously against all subscriptions and levies of money from the subjects, as gifts to the Crown, without the sanction of Parliament; and the more so, as the sums so raised must be at the disposal of Government, and applied to any manner, and for any purpose, that the ministers of the Crown might be inclined to apply them. He noticed what had been said by a Right Honourable Gentleman about those who had the efficient means, and did not subscribe, as being what he called *marked men*. He, for one, was noways afraid of any threat of that sort; and in whatever sense he was to be reckoned a marked man, he would always do what he considered to be his duty, both in and out of that House. On the present occasion he would not hesitate to say, that he not only would not subscribe himself, but he would advise his constituents, and all others with whom he had any influence, not to subscribe, because, by so doing, he knew he was acting up to his duty. When the Right Honourable Gentleman had said so much about efficient means, every one must have reason to think that he would come forward (and he had not so bad an opinion of that Right Honourable Gentleman as to doubt it) with subscribing the emoluments he derived from the Cinque Ports, and his other domains in the County of Kent. With regard to what had happened in 1782, however it might be thought to apply to some Gentlemen, it certainly could not to those who were not in the House

at the time. He adverted to some insinuations that were thrown out respecting his legal knowledge and abilities; there had been times, he said, when the same Right Honourable Gentleman had chosen to consult him, and when his opinions were found, on the result, not only to be strictly legal, but such as he was obliged to come into. He dwelt particularly on the Westminster scrutiny. After which he took some notice of a Right Honourable Gentleman (Mr. Windham's) conduct and arguments at a county meeting held at Norwich, which went directly against the legality, as well as the expediency and policy, of the measure.

The Speaker then put the question, "That this Bill be read a third time," which passed; after which,

Mr. Serjeant Adair said, he rose to propose an amendment stated in a clause which he held in his hand, and which he meant to move by way of rider. He flattered himself, he could give his reasons for the motion he intended to make, without being liable to any accusation of its tending to renew a debate upon a question which had already been fully discussed before the House, and decided upon on a former night. The legality or illegality of the measure, was not a question that he meant to start: The legality had been denied in general by some in the former discussion, and by others agreed to, and supported in qualified terms: To go into the distinctions which had arisen from their different arguments, was by no means his intention, and therefore he would say no more on that head. He observed, that in all cases where money was to be levied from the subjects, for the use, or at the disposal, of the Crown, that House had ever been extremely jealous, and, as experience had shewn, very properly so: On the other side of the House that night this had been granted: But those Gentlemen said, though we allow the Commons to be the guardians of the people, and the holders of the public purse, and that it is their duty to oppose every compulsory mode of getting money from the people, yet they have no power to prevent the people from giving voluntarily whatever they pleased to Government, and to be applied to whatever purpose the Crown might think proper. This was a sort of argument that he could not listen to with patience, or pass over in silence: It was so inconsistent with every thing that he considered to be legal and constitutional, that he saw it in the most mischievous and dangerous point of view. Who, he would ask, had a right to grant, by any gift, benevolence, or any other name whatever, an aid in money to the Crown without the sanction of Parliament? No man, or set of men, of any description, could do it constitutionally and legally.

If the House of Lords were to vote a sum of money to the Crown, would that House submit to it? Certainly not. And when this jealousy was so well kept up in all cases where money was to come from the subjects to the Crown, between that House and another branch of the Legislature, in what manner could it be legal or proper to raise money from the people otherwise than with the sanction of Parliament?

The doctrines that had been held, and distinctions made, between compulsory and voluntary subscriptions, however ingeniously they might be put, with him carried no weight whatever, nor ought they to guide the House on so important a question. If county meetings, and appealing to the people at large, or rather commanding them to subscribe, or be marked men, was a constitutional measure, he confessed himself particularly ignorant of every thing that was legal or constitutional; and even if the legality could possibly be defended, he never would think that this was a proper time to call upon the people in such a manner as had been done. He contended that all subscriptions from individuals, or societies, by whatever name or description they were known, for public purposes, and at the disposal of Government, were illegal; but, in the present instance, without going into the legality or illegality of the measure, he considered the principles upon which it was attempted to be supported to be perfectly new, and dangerous in the extreme, both in theory and practice, if adopted. He agreed that effectual prerogative vested in the executive power, makes a strong government; but the prerogative of the Crown being perfectly known and defined in the constitution of this country, it was the business of that House to watch equally an improper extension of it on the one hand, or any attempt to infringe it on the other. He argued from the Bill of Rights, the illegality of keeping and maintaining any force in this country without the sanction of Parliament, which applied to this case, because no money could, by any means, be taken from the people legally for that purpose, except with the sanction of that House, in which the measure must originate: He therefore considered this as an attempt to establish a sort of precedent, which that House never could approve or willingly agree to. But, with regard to the sanction of Parliament, he must observe, that even that sanction could not make any measure legal which was by express law illegal in its nature. No sanction of Parliament, therefore, could warrant taking money from the subject to be appropriated by the Crown to unconstitutional purposes. If Parliament were to grant its sanction to subscriptions like the present, he thought it absolutely necessary that a proper account should be given of the manner

manner and precise objects in and to which it was applied. The country should know what particular purposes their subscriptions were put to; and if these purposes were answered, what became of any surplus that might remain; and not be left in the dark, without knowing how their money was disposed of, nor to what end it was applied. For these, and a variety of other reasons, which the Learned Serjeant stated and put in the strongest light, he contended that his motion was incontestably necessary on every view of the subject, and concluded by moving an additional clause, the purport of which was, "That individuals having entered into subscriptions to raise money as an aid to Government, the same should be paid in to the Receiver of the Land Tax in each county, and receipts granted by him for the respective sums received; that those sums should be paid into the Receiver-General of his Majesty's Exchequer, and similar receipts given by him; the whole to be applied only to such purposes as were intended by the subscribers, under the authority of, and particularly specified in this Bill. And if any surplus remained in the hands of the Receiver-General of the Exchequer, to be applied only as Parliament might think proper to direct."

The Master of the Rolls objected to the bringing up of the clause, as equally improper and unnecessary. He declared his opinion to be decidedly in favour of the legality of the measure; and considered the subscriptions as exactly similar to bounties offered to seamen, or for raising men to particular corps, which never had been deemed illegal. The conduct of the city of London, on many occasions, had been the same as that of the counties, and never was challenged. He saw no necessity or propriety in the Exchequer having any thing to do either with the receipt or issuing of the monies raised.

Mr. Sheridan said, that he seconded the motion, although it was with reluctance that he gave his consent to any motion of the kind. He remained convinced of the illegality of the measure altogether, and of its being an unfit mode for the government of the country to resort to for supply; but if it was forced upon him, he would prefer undoubtedly that it should receive the sanction of Parliament in the way that the clause of the Learned Serjeant proposed to do it, than that it should stand as a matter of undisputed right. He would not go again into the question, which had been discussed at so much length; but he must take notice of one argument that had been used, and which, in his mind, was weak and childish to a degree of imbecility; it was, that these benevolences were not to be objected to on account of their smallness, and that the arguments could not apply to them as unconstitutional or dangerous in the degree to which they could be carried. Nothing was so

certain, as that principles of this important kind must be sacred, and that they could admit of no degrees. If they once admitted the right of the Crown to apply for revenue to the people, otherwise than through the channel of that House for money, the very first and most important bond for the maintenance of their privileges was cancelled. The House knew well how jealous they were of the Lords' interference in a money bill; they would not suffer them to alter an iota in a Bill which laid even a fine of two-pence on the subject; and yet they were to suffer this to pass without check, which thus might grow into a most mischievous practice, and become infinitely too great for their future controul.

Mr. Windham said, he understood that allusion had been made to him in his absence, on account of some supposed inconsistency which had been discovered in his conduct at present, and in the year 1778. It could not be on account of his supporting the present, and opposing the then war, for it was not denied but that a man might, with perfect consistency, approve of one war, and disapprove of another. It must be some inconsistency in his language. When this was stated the other night, he was unable to say with accuracy what had been his language at the meeting in Norfolk in 1778, but he hoped he had said no more than that doubts existed about the legality of private subscriptions; and that perhaps, in the heat of debate, he would not answer how far an eager desire to carry his immediate purpose might have hurried him, in the assertions that he made use of. At present it went further than hope; for, by the document which the industry of Honourable Gentlemen had discovered, it appeared that nothing could be more subordinate in his consideration at the time, than the argument of the illegality of such subscription. It was brought in as a secondary idea only, the main argument being the general disapprobation of the war; which it was the object of the subscription to support. There had been objections made too to the description of regiments which were to be employed, as coming from a part of the country which was not cordially approved of. But he would not say, that, in the eagerness of the debate, he had not perhaps made use of expressions with inconsiderate warmth; if he had done so, he did not find them even in the document which had been put into his hands, and which he had, he owned, but slightly perused.

Mr. Windham replied to *Mr. Sheridan's* argument about the sacredness of principles. It certainly was not weak and imbecil to say, that a principle might be true of the whole, which was not so of the degree; on the contrary, it would be a proposition founded on the greatest fallacy, to say, that a principle,

principle, the character of which, distinct and entire, might be dangerous, was also dangerous in its degrees. There were few questions either in politics or philosophy, of which this would hold good; but, on the contrary, he could shew, by a thousand illustrations, the converse of the proposition. Speaking of a nuisance, for instance; a man might build a wall so high as to intercept the light of a window; but building the wall only four feet high, not reaching the window, could not be called a nuisance in degree. A water rising two feet, might overflow the adjacent country; but the rising of the same water six inches would do no injury, and could not be called a proportionate part of the nuisance. So, in like manner, of these subscriptions, it might be reasonably argued, that they were not unconstitutional on account of their smallness, but that, if carried to a great height, they might be so. This was the Honourable Gentleman's argument on a former night. The revenues of the Electorate of Hanover were not considered as dangerous, but those of the kingdom of France would have been so: The one was suffered only on account of its degree: In truth, almost every thing depended on its minuter distinctions. A man might go through the Ten Commandments, and say, "Thou shalt not steal;" "Thou shalt not commit murder;" and contend that there could be no argument about degrees, but that theft was theft, and murder murder; and yet the sagacity of the courts of law was almost wholly conversant about the degrees of these crimes: Large discretion was given in all decisions; and it was constantly an argument for statesmen, philosophers, and lawyers, how much should be established by rule, and how much be left to discretion. This was what he recommended here: The House would do what they always had done. They would not chuse to interfere, till they saw reason from the magnitude of the thing. But why did the House, from jealousy, prevent the other House of Parliament even from interfering, in a money-bill, to the amount of a two-penny fine? Why? but because they had always done it; it was their practice. It would be as much an innovation, not to prevent their interference, as it would be an innovation here to interfere. It was the practice to prevent their interfering, from the dread, that they would creep on little by little, and that their interference would grow into usage. But no such dread had been taken at subscriptions; and the whole course of Parliamentary practice for one hundred years was in favour of their passing it over, and the constitution had not suffered, and was in no danger of suffering.

Mr. Sheridan, in explanation, said, that there were fundamental principles of government and constitution, which

could

could not be entrenched upon in any degree, and such as their ancestors had been careful should not be violated. *Principiis obsta* was the doctrine which in just jealousy they had acted upon, but which the Right Hon. Gentleman, in his deliberate reply to a former speech, was desirous to demolish.

Mr. William Smith said, the Right Hon. Gentleman (*Mr. Windham*) would find in the record of his speech in 1778, that he had called private subscriptions for Government unconstitutional. How he could say that a measure was unconstitutional in 1778 which was constitutional in 1794, he left to the Right Hon. Gentleman's ideas of consistency to determine.

Mr. Drake begged to say a few words in what he considered as a minor debate. He wished to explain why he should appear in new company. He was for the clause, because it did not tend to throw the slightest imputation upon his Majesty's ministers, who had received every support in this most just and necessary war; a war declared just, not only by their country, but by the sister kingdom, which had truly shewn itself a sister kingdom, by approving of the war unanimously. But he chiefly approved of the clause, because it would remove all doubts from men's minds; would clear the ground for all men to come forward, and would "delightfully comprehend all the arguments, and all the ideas, and all the wishes of the people on the subject."

The Chancellor of the Exchequer rose, solely to direct a few words to the Hon. Gentleman who spoke last. He objected to the clause, not merely because it tended to throw doubt on the legality of the thing itself, but tended also to embarrass and encumber the measure. He had said that a contribution purely voluntary, to be applied to services within the country, where the application of it was to be under their own eye, was perfectly legal, and would call forth all the zeal of the country. What did this clause propose? To take it from themselves, and to put it into the hands of the Crown, to be at the disposal of Parliament. As the clause stood now, the application was to be confined to the purpose of the volunteer corps only; whereas, as it first stood, it might be beneficially applied to other purposes; such as the payment of the militia, and the new corps of fencibles: So that, independent of his fundamental objection to the clause, he considered it as inconvenient, embarrassing, and calculated to retard the object.

Mr. Grey began with declaring, that he was under some difficulty in respect to his vote. He disapproved of the measure *in toto*; but as he saw that it was to be persisted in, he thought it prudent to give to the measure a Parliamentary sanction;

sanction; he would therefore adopt the clause of the Learned Serjeant, as the least objectionable of the two means of doing so. The Right Hon. Gentleman talked of extending the measure of the subscription to other objects. Every day they were plunging deeper into mystery, innovation, and violence. Where was all this to end? An Hon. Gentleman had alluded to walls and rivers, in order to make nice distinctions about the degrees of measures, and to say where alarm ought to be taken, and where not. That Gentleman would have found the truer way to preserve the high character which he once possessed in the country, had he thought proper to maintain consistency in his language and actions. In defending a fortress which was attacked, should he not act the moment when the enemy broke ground, or must he upon his principle stay till the works were complete? *Principiis obsta* was the true lesson of wisdom which they had learnt from their ancestors. It was not enough for him to be told of former neglects of that House. Precedents did not justify negligence; nor did usurpations establish right. It so happened, however, that there was not a single precedent to justify the proceeding. It was with considerable pain that he heard a Right Hon. Gentleman, like Mr. Windham, treat his opinions so lightly, as to say, that he had, perhaps, taken up, with inconsiderate warmth, arguments which he could not justify, for the sake of carrying his object for the moment, and that he should do this at a solemn meeting of his county! What must be thought of a Right Hon. Gentleman acting with such levity? What must he think of himself upon reflection, when he thus chose to fly in contradiction, not only to the opinions given at the meeting alluded to, but on former questions in that House? when he argued for the production of papers on the Spanish and Russian armaments, and opposed the concealment "as the beginning of a system of confidence"—and when he flew out into his violent philippic against the Right Hon. Gentleman (the Chancellor of the Exchequer) on account of the job of the Secretary of the Treasury (Mr. Rose) in the Westminster election. Was the smallness of the object an argument for his acquiescence? No. He had not departed from the opinions and principles of the men with whom he had acted through his life, and he would be more likely to preserve his influence in society, if he would still remember his former doctrines, and square his present opinions and conduct accordingly.

Mr. Windham and the *Chancellor of the Exchequer* explained.

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The Attorney General objected to the clause, and said, that he had not proposed the previous question on a former night because he doubted of the legality of the measure, but because he objected to the motion as an abstract question.

Mr. Fox rose, he said, merely to explain the vote he should give, if called upon to vote at all. He was an advocate for the clause as the least of two evils. As the measure was to be persevered in, he was willing to legalize it, by the insertion of this clause, which, however, he should like better, if it did declare a doubt of the legality. It certainly declared no such doubt; and why it was argued so, he knew not. There were certainly no precedents in point. That of 1746 could not be called in point, as it was a case of extreme necessity. That of 1782 was not a question of subscription: That of 1778 was the most in point, and he was one of the most respectable minority who declared their sentiments against that measure: That minority had conferred great and most essential benefits on the country; and (turning to *Mr. Windham*) he said, it was with extreme pain that he saw all the acts of that minority frittered away one by one, and that by persons who were the most instrumental in concerting and supporting its measures, and the most intimately connected with the leading characters who composed it.

The motion for leave to bring up the clause was then put, and negatived without a division.

Adjourned.

HOUSE OF LORDS.

TUESDAY, *April 8.*

Heard counsel in the case of *Aglianby and Lothian*.

Several Bills were received from the Commons, among which was the

VOLUNTEER CORPS BILL.

The Bill to authorise the raising and arming volunteer corps to serve within the kingdom, by subscription, being brought up from the Commons, it was read a first time.

The Marquis of Lansdown said, that, finding the Bill was to be read a second time on Friday the 11th, he would take that opportunity of agitating a subject which had accidentally been discussed in his absence. The letter which, as Secretary of State, he had written to the Lord Lieutenants of counties, mayors and magistrates of towns in 1782, had, he understood, been made the ground of debate last week. That was a constitutional

stional measure, and the reverse of the measure lately taken by ministers. He would move therefore for a copy of that letter to be laid on the table; and although he thought that letter sufficient of itself to justify his conduct, and to prove what he asserted, yet, for the sake of the whole transaction coming fairly before the House, he would also move for copies of all the answers sent to his letter to be laid on the table at the same time. He understood some two or three of those answers had been read; but in order fully to satisfy their Lordships on the subject, they had best have the whole before them. He declared he was aware that a copy of the circular letter had been asked for in 1782, and refused. The reasons which then made it necessary to refuse the letter, no longer existed, because, as it referred to the then state of the country, the reason for withholding it could not exist at this day.

The Earl of Coventry said, he was happy to feel himself enabled to second any motion of the Noble Marquis. He could do so that day, without violation to his feelings, as he thought the letter and the answers ought to be produced, because he was sure that the House would then see that the measure of 1782 and the present were not distinctly different, as a Noble Earl on a former day had stated, but similar in their object.

The Marquis of Lansdown declared, he was glad to find the Noble Earl would be his supporter in his present motion. He was always happy, as the Noble Earl well knew, to have him for his friend.

The Earl of Derby rose, with a wish to set himself right in the opinion of the Noble Earl and the House. He had not said on a former day that the two measures, that of 1782 and the present, were distinctly different, but that the measure of 1782 was strictly constitutional, and the present very much the reverse. He conceived the grounds upon which the Noble Marquis had moved for the papers to be extremely obvious, and such as it appeared to him the House could not in justice resist. A kind of attack had been made upon the Noble Marquis; and, in support of that attack, certain letters had been produced and read. The object of the Noble Marquis was to refute that charge; for which purpose he wished to have the whole of that correspondence laid before the House, upon a part of which they had been desired to form a judgment. This request appeared to him perfectly reasonable: He should therefore give his vote for the production of those papers,

The Earl of Caernarvon said, the Noble Marquis had not laid any grounds whatever before the House, to induce them to grant the papers for which he had moved. It did not ap-

pear to him that they were at all necessary to enable their Lordships to come to a determination upon the merits of the present Bill; and therefore he should give the motion his negative. His Lordship animadverted on what had fallen from Lord Derby.

Lord Coventry said a few words in explanation.

Lord Granville said, the same reasons that prevailed in 1782 against producing the letter, prevailed now against producing the answers. He saw no objection to laying a copy of the Noble Marquis's circular letter on the table.

The Marquis of Lansdown maintained the propriety of his request, and appealed to the candour of the House, whether, after he had been attacked, it was fair to refuse him the means of defence. With respect to the supposed similarity between the two measures, whenever the question came fully before the House for its discussion, he would undertake to prove, in the most satisfactory manner, that they were as dissimilar as two measures could be; and, as he had before said, that the one was strictly constitutional, and the other was directly the reverse.

The Earl of Lauderdale said, he had always understood that it was the unquestionable right of any person accused, and when part of the charge against him was founded upon any paper, that he might call for the whole of that paper, in order that he might shew, from the whole context, that the meaning which had been put upon the part produced, was not that which should fairly be drawn from the whole. If that was a principle of justice, and he could not conceive how it could be denied, then it was clear that the Noble Marquis had a right to demand those papers upon which his defence was to be founded. Ministers had, upon this occasion, in his opinion, adopted a conduct as extraordinary as it was impolitic, because they were establishing as a principle, that ministers might refer to the papers of their predecessors, or read so much of them as served the purpose of their arguments, and at the same time refuse to produce the copies of the whole. He had always understood, that when ministers came into office, they had a right to use the papers of their predecessors for their individual information, but that they had no right to produce those papers publicly, except for the purpose of public justice. Ministers should be cautious how they set an example to future ministers to treat them in a similar manner.

The Earl of Carlisle said, the whole appeared to him to be a mistake, arising from the supposition that the Noble Marquis had been attacked, whereas the direct contrary was the fact; nobody denied that the measure of 1782 was a right measure. It had not

not been made the subject of attack on the Noble Marquis but rather of panegyric and compliment. It had been taken by his Majesty's ministers as an example; so far, therefore, from censuring his conduct, they had given it the strongest marks of their approbation, by acting upon the same principles. He thought the Noble Marquis would find some difficulty in maintaining and proving his proposition, that the two measures were not in their nature similar; and still more difficulty would he find in proving the propriety of the refusal of a Right Hon. Gentleman in another place (Mr. Fox) to produce the papers in 1782, while he endeavoured to shew the impropriety of such a refusal by the ministers in 1794.

The Earl of Derby differed from a Noble Earl who had spoken in the debate (*Earl of Caernarvon*), who appeared to have misunderstood him. The Earl contended, that it was obvious that the Noble Marquis had been accused, because his conduct in the year 1782 had been compared with a measure which had been reprobated as utterly irreconcilable with the constitution of the kingdom.

The Marquis of Lansdown repeated it, that he had himself thought the circular letter sufficient for his exculpation; but in order to enable their Lordships to judge fairly, he had moved for copies of the whole of the answers. Those who accused him of not laying before the House any grounds for the production of the papers in question, had forgotten that he had declared, that his only motive for not stating his reasons was, because there was another question of great importance to be discussed that day, and not because he had no reasons to offer. A Noble Earl behind him (*Lord Carlisle*) had said, that instead of being accused, he was complimented by ministers. He declared, he could not conceive a compliment to be intended, where a direct attack was made. That Noble Earl had infinitely more knowledge of the world, and much greater abilities to apply that knowledge, than he could pretend to; and to that Noble Lord it might appear, that a charge of inconsistency, and change of political opinion, was a compliment; but he was an old-fashioned man, and possessing old-fashioned notions, and getting more old-fashioned every day; he was not therefore apt, like the Noble Earl, to think and act on one principle at one time, suddenly to abandon it, and adopt and act upon a different principle at another; in fact, he was extremely anxious to maintain his character for consistency and uniformity of political sentiment. The Marquis concluded with declaring, that he once more left his case in the breast of every Noble Lord, and hoped their candour

would not preclude him from the means of defence, after having been so seriously accused.

Lord Auckland said, he rose merely to observe that there was no harshness in refusing pretended documents of justification to the Noble Marquis, when there was no charge made against him. Why would the Noble Marquis press the House to furnish means of defence against an attack which neither had been made nor was meant to be made? In a word, there was no case stated to support the motion; and even if a case had been stated, he should feel great doubts as to the prudence or propriety of an indiscriminate order to lay before Parliament and the Public all the answers to the circular letter. The Noble Marquis had avowed, that in 1782 there might have been objections to producing some of those answers; how then did it appear that the short interval of twelve years, and the circumstances of the present war, had removed those objections? Seeing a possible inconvenience, and no utility in acceding to the motion, he must give a negative to it.

Lord Grenville rose again and said, it was true that he had maintained, that the present measure adopted by ministers was similar to that adopted by the Noble Marquis in 1782; and he was now ready to argue that point with any Noble Lord, because he was sure the two measures were exactly and precisely similar: Not, indeed, in every minute part, but in the principle upon which they were founded. But at the same time he wished not to have it understood, that ministers had cited the case of 1782 as a case upon which they meant to justify their present plan; but when they brought it forward, they expected that all those who had agreed in the propriety of the subscription of 1782, would, upon the same principle, concur in the present one. This measure was founded upon clear, distinct, constitutional principles, and not upon any one precedent in particular; therefore it could not be necessary to lay before the House the papers called for.

Earl Stanhope said, it appeared to him to be a hard case, to call a Noble Lord's conduct in question in his absence, and when he came, and standing boldly on his defence, challenged inquiry, and called for documents that would establish the truth or falsehood of the charge, refuse him the means of justification. Understanding however that the Noble Secretary of State had no objection to lay a copy of the circular letter on the table, he would move to divide the question, as it consisted of two propositions, and to take the sense of the House on the first, *viz.* the production of the circular letter, before the question was put respecting the copies of the answers.

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This mode of proceeding having been agreed to, the question was put respecting the circular letter, and carried *unanimis dissentiente*.

The Marquis of Lansdown moved, as a separate question, the second part of the original motion, *viz.* "That an humble Address be presented to his Majesty, that he be graciously pleased to order the Answers to the Letters, containing a plan of defence, circulated through the country in the autumn of 1782, to be laid on the table." When the House divided,

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PRIVILEGES.

The Order of the Day being read,

The Earl of Lauderdale moved to have the two standing orders, which referred to the manner in which the Speaker was to put any question, that might be moved by any individual Peer of Parliament read. The same having been done, the Earl urged the great importance of the subject, upon which he meant to ground a motion, as it appeared to him to involve in it considerations deeply interesting to the freedom of debate, and the privileges of Parliament. If there ever was a time that the orders, the forms, and the privileges of the House should be strictly and pertinaciously adhered to, the Earl observed it was the present. He had, he said, antecedently given notice of bringing forward a motion, which he would waive for the present, in order to substitute one relating to the orders and forms of Parliament. Their Lordships were aware that, when the mind was charged with matter necessary to elucidate an important subject, until it was dismissed from the memory, the mind was ill calculated to receive fresh impressions on a different subject. What at present occupied his Lordship's attention was a matter to which he wished he could do that justice which its importance demanded; it related, he said, to the maintenance of their privileges against the encroachments offered to the forms of the House. If they were not regularly adhered to, it would be found, that there was an end to the freedom of debate. A strict adherence to the established orders and forms of the House was most essentially necessary to the decency, the justice, and the dignity of their proceedings, and he was strenuously against any deviation from those rules in any case; but particularly when there was nothing new or extraordinary in the proceedings that called for new or extraordinary conduct on the part of that House. He contended, that,

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by the privileges of that and the other House of Parliament, every Member had an inherent right to state his sentiments, and have his question put in the words and shape which came nearest to his own ideas, upon any subject under discussion; and when a motion was made, and to be put for the decision of the House, he insisted that the Speaker had no right whatever to alter the words of it, or mutilate its form in its way from the Mover to the decision of the House, but was bound to put it as it came into his hands from the person who wished the sense of the House to be taken upon it. Were a contrary line of conduct to be adopted, freedom of debate, and all the most essential privileges of that House, might by degrees be annihilated. What gave rise to his motion, was a proceeding which, by report he had heard, took place the other day, and which had alarmed him exceedingly; but not being then in the House, he meant not to allude to that debate, but merely to speak to the point of order as to that proceeding, which, if it had been as reported to him, he would not hesitate to pronounce it one of the most extraordinary and unprecedented that he had ever heard. If the forms of Parliament were not observed, and their motions were to be altered or garbled according to the fancy of any individual, the Public could not be a judge of the proceedings of their Lordships. He understood on that evening, that a motion of his Noble Friend (Lord Stanhope) had been read to the House by his Lordship, and handed to the Lord Chancellor, who had taken upon himself to leave out a material part, and merely put the question on the conclusion summarily drawn from the premises and propositions stated in the preamble. This was so singular an event, and so novel in its nature, that it was really a circumstance which he had not words to define. He could not conceive upon what authority any Speaker of that House of Parliament could assume the liberty of altering a motion, unless by way of amendment, upon a question of amendment regularly submitted to the consideration of their Lordships for previous approbation, and adopted by the House. The Speaker was the servant of the House, its instrument and its organ, while officially addressing them from the woolstack. What the nature of the motion was, certainly was foreign to the subject of debate: If it were the most absurd and ridiculous that human fancy could suggest, he maintained that it should have been submitted to the House in the precise language of the Mover. If the motion was unfit for the House to hear, it could have been disposed of by moving the previous question, or in some other way consistent with the forms of the House; but the House had not a right, he insisted, much less had any individual

dual Peer a right, to alter the construction, or vary the words, of the motion. If any Noble Lord, in the heat of debate, should be led into warmth of language or offensive vehemence, it might be answered, that the Peer so giving way to his feelings was liable to be called to order, and be censured, if in the opinion of the House the occasion appeared to call for censure; but nothing could warrant a sacrifice of the forms of the House as a punishment. The credit of the House, or of any assembly, depended on a strict adherence to its forms; and therefore he must protest against the proceedings of that night, to which, in the former part of his speech, he had alluded. His Lordship said, that he had looked for precedents to support his argument, and he had found some, which he should state; but in doing so, he should quote the Journals of both Houses of Parliament indiscriminately, to prove that, when the Speaker of either had taken improper liberties, the circumstance had not passed unnoticed. He referred the House to the cases of 1629 and 1677: In one, the King (Charles the First) sent his commands to the Speaker of the Commons to adjourn the House, and although a Member (Sir John Elliot) was on his legs, the Speaker (Sir John Finch) said, "that he had a command from the King to adjourn, and to put no question." The next Parliament was in 1640; and on its first meeting the conduct of the Speaker on the last day of the preceding Parliament was examined. Sacheverell made the complaint, and it was asserted that the King had nothing whatever to do with the Speaker; and one of the Members observed, that, as the Speaker had thought fit to take care of the King, it behoved the Members to take care of themselves by reproving him for his conduct; the House therefore declared, that the Speaker having refused to put the question, as called upon to do at the time, was guilty of a breach of privilege. In the other case, that of 1677, the Speaker had been complained of for putting questions with partiality, and leaning to one side more than another. His Lordship read the speech of Sir Thomas Clarges, who, in treating on the subject, observed, "that the Speaker had usurped more of the attention of the House than any other Member, by giving his opinion; but if that opinion was to be considered as the sense of Parliament, and his *patter* was to supply them with sentiments, there was an end to the rights and privileges of the House; for the Speaker could misrepresent to the Public the proceedings of its Members, and thus would the idea of representation be destroyed." The Earl reasoned upon these precedents, and reminded their Lordships that they ought to be more particularly jealous of any invasions of their privileges by their Speaker than the House of Commons, for
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this essential reason : The Speaker of the House of Commons was the creature of the House, elected by themselves, and sitting in their chair during their will and pleasure only ; whereas the Speaker of the House of Lords was appointed by the Crown, and ought naturally to be considered as a constant object of jealousy by the House, with respect to its forms and orders. He quoted an authority, which no man would question on such a subject, that of Mr. Speaker Onslow, who had expressed his opinion of the great importance of Parliamentary forms in terms too strong and decisive to leave a doubt upon the point he was maintaining. Upon all these grounds, therefore, he thought his Noble Friend had been treated in a most irregular and extraordinary way ; and in order to shew it the more forcibly, he would put the case hypothetically. Supposing that his motion had been ever so bad, supposing it to have been much worse than he understood it to have been, still the Speaker of the House had no right to alter it without an appeal to the House, and without having collected their decision by comparing those who said *Content*, with those who said *Non-Content*. In adverting to the late circumstance, his Lordship said, that he had been told that the sense of the House had been taken by certain signs or looks. To decide by looks was certainly a perfectly new idea. He declared he had never before heard of such a mode of deciding a question in the course of his Parliamentary life ; nor could he find a trace of it by reading. He knew not whether a long countenance expressed the previous question ; or a frown, a negative ; or a smile, an affirmative. There was much difficulty, he conceived, in ascertaining the sentiments of the House by this new mode ; and he confessed that he was not physiognomist enough to know what construction to put on the countenances of Members. In his reference to books, he had indeed met with one ludicrous instance in support of the mode of decision so recently adopted for the first time, and was sorry, upon so serious an occasion, to have recourse to a sportive authority ; but he held in his hand one of the smaller works of a Gentleman, a Member of the other House of Parliament, well known for his genius, his talents, and his wit. He would not mention his name, and indeed it was unnecessary, because, when he quoted the work, every Noble Lord would recollect to whom the world had been obliged for it. In the comedy called *The Critic*, a great statesman was introduced, who came upon the stage, took his seat, nodded, and looked significantly, but said nothing. The author (of a play supposed to be in rehearsal) being anxious to explain and animadvert on the merits of this character, which entirely dwelt upon his countenance, defined his

his look to be a most expressive mode of declaring, that he put the whole Spanish armada to defiance; and by that nod the intrigues of the Court of Spain were defeated. Possibly, said the Earl, it may on the present occasion be asserted, that, from the countenances of Peers on that night, it had happily been collected, that we could put the French to defiance, and that all their schemes and intrigues would be defeated. Be this as it might, there was one case which he thought would puzzle even these supporters of the new mode of collecting the sense of the House by their looks, their gestures, and countenances, for their Lordships must recollect there were such things as proxies, and it surely would be a little difficult to decide what the looks of those proxies might be upon a question being put. A Noble Viscount (Lord Sydney), whose absence on this account he must particularly regret, could scarce find any one to represent those marked characters of visage, that strong expressive eloquence, which the outlines of his physiognomy must impress upon the first sight. How, therefore, were his looks to be guessed at in his absence? The House, by adopting such a line of conduct, might bring upon itself the most disagreeable inconvenience. Having thrown out much irony, ridicule, and sarcasm, he again became serious, and earnestly entreated their Lordships to consider the consequence of an adherence to the forms of the House.

With regard to the circumstance which had called forth his attention, if it were admitted, the Clerk at their Lordships' table might say, that he would not copy a protest which was not conformable to his own sentiments; for he certainly had as much right to take such a liberty as the Speaker of the House had authority to alter the proposition moved by any of their Lordships. He would, for these reasons, he said, conclude by moving, in the words of the standing order, "That any motion proposed by any Lord of Parliament, and given to the Speaker of that House, ought to be put in the words given by the Mover, and the question of *Content* or *Not-Content* decided upon it in that form."

Lord Thurlow said, he was ready to agree with the Noble Earl in most of the general principles which he had laid down. He agreed with the Noble Earl, that the forms of Parliament, and the forms of all legal Courts, were essential to the dignity and justice of both; and the exercise of the privileges of Parliament, he would maintain with the Noble Lord, ought to be preserved inviolable. Every Member of Parliament had an undoubted right to have his motion read by the Speaker in the shape and words in which such Member had himself put it, excepting only where the House had decided otherwise in

the interim. The Noble Earl, his Lordship said, had argued the main of his motion ably and sensibly, and, as he should imagine, to the conviction of every Noble Lord who had paid attention to the subject. He could even go with that Noble Earl to the full extent of his motion, considered as a general proposition; but before he did so, it was necessary for him to say with some exceptions, because, however maintainable the motion was in itself, to the particular application of it there were exceptions. Every Noble Lord had a right to shape his motion, and put it in such words as he pleased, but under the implied and understood condition, that he would take care to avoid offence to the House, by using expressions degrading to their dignity, or revolting to their feelings. He stated the usual Parliamentary forms of disposing of motions to be either by pronouncing a negative or an affirmative upon them, by amendment, or by moving the previous question, or the question of adjournment. Whenever a motion was so drawn as to be either impossible or unfit to be put, there were different modes of putting aside the motion, or at least the offensive part of it. The regular mode was, by moving, as soon as it was stated, or before the Lord Chancellor put it, to take down the words that gave offence, in the same manner as was the order of proceeding when a part of a Member's speech gave offence. Then a question of order arose, which necessarily taking the precedence, must be first disposed of, and the ground to be taken was, in what manner censure, and what degree of censure, such an offence to the House, and such a violation of its dignity called for, and ought to be applied. But as it frequently happened, that, from motives of candour and consideration, when a Noble Lord might, through inadvertency, or from the accidental warmth of his feeling, have been betrayed into an improper proceeding, the extreme degree of severity was desirable to be avoided: In that case the Lord upon the woolsack either appealed to the Noble Lord who made the motion, to remove the difficulty himself, by consenting to reshape his motion, and take away the objectionable part, or he appealed to the House to have their leave to do it, by omitting to state the offensive part of the question; and with their acquiescence he so altered and put the motion. His Lordship declared, he meant, in what he had said, no reference whatever to the case that occurred on Friday last. He knew nothing of that case, not having been present, and under such circumstances he could know nothing of it, as he could only speak from the Journals, which, as far as he could learn from them, gave upon the face of them reason to suppose that the whole of the Noble Earl's motion, which the House thought proper to receive, had been put

put from the woolfack. But exclusive of all this, he could not, without the grossest irregularity, refer to what had passed on a former day in debate. With regard to the general practice of taking the sense of the House without putting the question, and deciding by the *Contents* and *Not-Contents*, where no dissent was likely to be signified, his Lordship said, it was done every day in the ordinary course of the business of that House. Nothing could be more common. A hundred and a hundred instances could be quoted of it. He had himself done it repeatedly; and he stated a case, where a Noble Earl made a motion, part of which suggested itself to his mind as improper to be put. Not wishing to call down the severity of the House on the Noble Earl, he privately advised him to withdraw the offensive words. The Noble Earl would not consent; and as he still wished to avoid the extreme case of severity, he took three steps from the woolfack, and, in his individual capacity as a Peer of Parliament, appealed to the House for their permission to omit such part of the motion as appeared to him to be improper. The House went with him on the proposition; and he then, in his official capacity, put the question so altered, on which the House decided. The Noble Earl had argued, that the privileges of the two Houses were the same, and yet he had contended upon the difference between their situations; the Speaker of the House of Commons being elected by the Members of that House, and the Speaker of the House of Peers being appointed by the Crown. It was to be remembered, that the Speaker of the House of Commons could not speak as a Member of the House, whereas the Lord Chancellor, as Speaker of their Lordships' House, did not forfeit his right to speak in his individual capacity as a Peer. With regard to the transaction of Friday, there was one particular on which he owned he entertained some doubts—

Lord Derby cried out, *Hear! hear!*

Lord Thurlow said, his doubts went merely to a point of form; and it was, Whether it was strictly regular to move for the expunging the motion from the Journals on the same day on which the motion had been made? Had the question been affirmed, it certainly could not have been regular to have moved to expunge it the same day; in the other case, though it might not be strictly in order, it undoubtedly was very immaterial. As far as he understood the conduct of the Noble and Learned Lord on the woolfack on Friday, his proceeding had originated in tenderness to the Noble Earl; and he owned he saw not a single point of view in which it could be taken just exception at. The motion made by the Noble Earl, his Lordship said, was such, considered as a general proposition,

altered it; that he still approved of the whole as he had originally put it, but that, mutilated as it was, he gave it his voice; and accordingly, without further opposition to what he called an alteration of his motion, he gave it his solitary assent. That this is the precise and accurate statement, I appeal to all those who were present; and I assert that the Noble and Learned Lord acted becoming his own high character, and becoming the dignity and wisdom of the House: And if any deviation from the strict and severe duty of his office could be imputed to him, it is, that he might by some be supposed to have listened too much to his own humanity, by endeavouring to prevent the most offensive part of the paper tendered by the Noble Lord as a motion, to become a written document visible on your proceedings, and thereby compelling the House to take notice of it, and consider it as an insult to the constitution of the country in their presence, and calling upon their effective resentment. The House adopted, however, the Learned Lord's proposition unanimously: No dissenting murmur called for a question to be put: The Noble Mover perceived the disposition and assent of the House, and did not question it; he did not call upon the House to protect his motion from this imputed violence; he did not assert that his proposition *was so very deeply rooted in the principles of the French democracy, as to be one and indivisible*; so far from this, he pathetically avowed his affection, and sung the praises of his departed child, and piously attended the remains to the grave with a solemn and solitary requiem.

"The Noble Earl who takes the objection to-day to the proceedings of Friday, grounds it on several propositions, namely, that every member has a right to put such questions as he pleases, in such terms as he pleases; That these are only subject to motions of amendment: That the Speaker cannot, of his own discretion, change or abridge a motion: That this privilege, if he possessed it, would be more dangerous, as he is appointed by the Crown. His appointment by the Crown can make no difference; for he is the organ of the House the moment he is appointed, and cannot speak or act but as they direct him. He is the depository of their orders, but not their sovereign. I am ready to admit the full right of the House to discuss any question it may judge expedient to the public service, and that they have this right without any controul; But I do not admit that every individual member has the same uncontrollable right; if they had, it would destroy the right of the House, who would be contracted in the exercise of its functions by any one of its own members. The House must have authority over its members, and is competent to prevent
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or punish any improper conduct of its members. The House would not hear blasphemy and treason from any member, in the shape of a motion. If the House has a discretion in these extreme cases, they must, from a parity of reasoning, have it in all the stages, from these extremes down to an innocent admissible proposition. If any absolute right can belong to any individual member, it must be such as, being founded on the clearest principles of common sense, cannot fail to carry the House along with it; such as, that every motion to which he is called to assent or dissent, should be so worded, as to admit of an assent or negative. Hence it cannot but be the right of every individual to have every resolution which involves two distinct propositions (to one of which an affirmative may be given, and to the other a negative) divided into two resolutions, without which he can give neither an assent nor dissent, unless he contradicts his own opinion in one or other of the propositions. If the mover should refuse to have his motion so divided, it is the duty of the Speaker to do so, as it was of old his duty to frame and shape the question from the debate, and to draw from the tenor of the discussion the point at issue (subject always to correction from the House), in order to bring it fairly and neatly to the decision of the House. For the same reason (which applies directly to the motion of the Noble Earl on Friday), whenever a resolution is prefaced by a variety of arguments as the foundation of the proposition, no man who thinks the proposition should be affirmed for some, and not for all of the arguments, can give his vote at all; unless the resolution is separated from the arguments which served as a preamble. The arguments attached, incumber the resolution, and destroy each other's effect, and embarrass the right of voting. Separated, each argument may have its full Parliamentary operation on the minds of different persons, to lead them to assent to the resolution, which thus gained force by the loss of its preamble. Every member therefore has a right, in a motion, such as the Noble Lord's (where variety of reasons are attached to a single resolution as of its essence), to have them omitted, for they are incapable of being put separately, from their form and shape, as reasons. The motion, when made, is the motion of the House, and if the original proposer should not agree to the omission of the reasons annexed, the House would do it of its own authority. The Noble Earl's motion therefore was informal, and could not strictly be proposed to the House in that shape for decision; such a form of motion can never be admitted but through inattention. The construction of the motion was itself a sufficient objection, and the Learned Lord would have done no more than his duty, if he had, on this account

account alone, declined reading a part of the Noble Earl's speech inserted in the same paper with the motion, and only read that part, which alone was capable of a decision, or could be put to the House for their judgment or decision: But the Learned Lord was influenced by a still more weighty consideration; for he perceived that the dignity of the House was compromised on receiving an informal preamble, which was in its substance offensive; and in performing that which his duty required, he consulted the dignity of the House, with no unfriendly attention to the situation in which the indiscreet language of the preamble might have placed the Noble Earl, had the whole motion made part of the proceedings of the House, by being taken down by the Clerk as the proposition of the Noble Earl.

"There never was certainly a proceeding more regular, and as certainly to the honour and credit of the Learned Lord; and nothing, I am persuaded, could have induced the Noble Earl who has made it the subject of this day's conversation to bring forward this discussion, but the total ignorance of every thing which passed. The motion of adjournment is therefore the proper mode of disposing of the present motion."

The Earl of Carlisle doubted, whether the previous question was the most correct mode of getting rid of the motion before the House; because, in general, a previous question applies to a proposition, the truth of which is not so much controverted, as the necessity or propriety of examining it at the moment. Now, as a doubt arose in his mind, not upon the propriety or necessity of coming to any resolution upon the subject proposed (for he was clear that nothing had occurred to make any resolution necessary or expedient), but upon the proposition itself, whether it was strictly true in every part, he therefore submitted to the House, whether the motion for adjournment would not be that which the House ought to accept.

If that had happened, which his Lordship thought likely to have occurred, viz. either a direct or an implied censure upon the conduct of the Noble Lord on the woolsack, he should not have done his Learned Friend the injury of undertaking his defence. To hands better qualified to hold up the shield of real protection against such attacks, he should have resigned all claim of asserting the rectitude of the conduct of his Noble Friend. But, finding that the censure of the Mover of this question is not levelled at the Speaker of this Assembly, but is aimed at the House itself, and being one of those who is to bear a portion of that correction, which a Member, not present at the former debate, thinks, from report and rumour, it is meet they should all endure, he deemed it absolutely necessary to state what really happened on the other day.

A Noble Lord (Lord Stanhope) comes down with a preamble to a motion of such preposterous length, as to set at defiance the strongest memory to retain the twentieth part of it. If this were not sufficiently objectionable, it was loaded with matter of a nature that created the greatest uneasiness and disgust, during the delivery of it. When it became the duty of the Speaker of the House to put the question upon it, he craved the permission of the House to spare himself the pain of repeating that, which, having been once uttered, was uttered once too often. This prayer was consented to by a general cry of acquiescent approbation of the whole House; and, from the ignorance of this circumstance, much ridicule has been attempted, to shew the absurdity of collecting the opinions of Peers by looks, by smiles, and frowns; and by decyphering their meanings by their countenances. For this purpose, a celebrated character in the *Critic*, of a minister who says nothing, but thinks and looks every thing, was introduced. But if any thing dramatic could apply to the present case, it would be more properly when the audience rise, with one general feeling of resentment and indignation, and declare they will not suffer their ears to be any longer abused with the stuff which has been produced to them. This resolution, in that place, is commonly expressed by an unanimous hiss. In this, the same sentiment seemed to be expressed, though in a different mode, but so distinct a one, as in a manner to make it mandatory to the Learned Lord to curtail the motion, he otherwise had been obliged to repeat.

Lord Carlisle said, it little became him to vindicate the unanimous proceeding of the whole House. It was, in his opinion, what the House did, in various instances, every day, and that the Speaker thus, in various instances, collected the sense of the House. These were his sentiments. Perhaps he should hear, as he had heard from a Noble Marquis (Lord Lansdown), that living in the world made it easy to change one's opinions; that living out of it inclined men not to be so facile upon that point. He professed he should retain these opinions, even though it should be his lot to be condemned to the hermitical solitude of a vast palace in the centre of this gay metropolis; or seek, like a *man of the woods*, a retreat to hide himself from the eyes of mankind, in a splendid country seat, and in a populous neighbourhood.

Lord Stanhope said, he would not go into length of discussion, but would speak in as distinct terms as possible. From what had fallen from different Noble Lords, he was particularly called upon to explain, and give to those, who did him

the honour of supporting his late resolutions, every information in his power. A Noble Lord had talked a great deal of the preamble, and the resolution, urging that one was a contradiction to the other, and consequently must be divided, before the Contents and Non-contents could be taken. Earl Stanhope thought he had a right to complain of singular hard treatment: The accusation against him was persisted in, while those who urged it, had deprived him of all means of defence. He wished he had the Journals to refer to, at any price, he cared not what, being ready to face any personal punishment the House could enforce upon him for having made the question, so that it stood on the Journals, capable of being there turned to as a matter of reference. He declared he never was afraid of risking himself, while conscious of doing his duty, and serving the Public. He had however to lament that he was rendered incapable of justifying his conduct by the extraordinary proceeding of Friday last. He insisted upon it, that the introductory part of his motion, though treated as *hideous*, if duly considered, would be found to be not at all objectionable. It was composed and made up of sentences, each of which he could undertake to prove had been brought forward in Parliament either in the shape of motions, resolutions, or speeches of members again and again. This *hideous* part of the motion had been got rid of in an extraordinary manner, and then the unobjectionable part, in respect to form and order, had been expunged from the Journals. How irreconcilable was this proceeding to common sense! When he looked to the Journals, to see what had passed on Friday in consequence of the Lords being summoned, he found a large blank. How then could he justify himself? He would remind the House of the facts, not by referring to a former debate, which would be irregular, but by putting an hypothetical case. Suppose, no matter whether ten years, or a year ago, a Speaker of that House, or a Noble Lord on the woolsack, should, in a fit of passion, have torn a motion in pieces, and trampled it under his feet without putting it at all; what would have been the sense of the House on the occasion? Suppose another Speaker had thought proper to leave out the arguments stated as the premises, from which, by way of corollary, the resolution was drawn, and put the question on the conclusive words only; what idea could be formed of such conduct? His Lordship argued upon these points with great vehemence for some time, and then repeated what he had said on a former occasion, *viz.* that when he found any matter he wished to urge disagreeable to the House, he would forego it. He could, he said, agree with the Noble and Learned Lord who

who spoke second in debate, in all his points; in the main argument, he admitted the justness of the Noble and Learned Lord's reasoning. With regard to the mode of collecting the sense of the House by the *looks* of their Lordships, he declared it to be the most new and extraordinary proceeding ever practised within those walls. He had fallen a sacrifice to the novelty of the case, for it was evident that his motion had been *grinned* out of countenance. His Lordship animadverted in terms of severity and acrimony, on the proceeding, as most extraordinary and altogether unprecedented. If he was wrong in this assertion, the House had the happiness to have a Noble Lord present, who had been Speaker of the other House, and who from official experience could correct him and set him right. His own opinion was, that, had a Speaker of the House of Commons acted in the manner of which he complained, he would have had *his wig pulled over his ears, and his gown stripped off his shoulders.*

Lord Grenville said, he had been led to hope, from the hint which the Noble Earl acknowledged to have received from the House, and from what had passed on the last day that the subject was under discussion, that he would have apologised for having offended their feelings and insulted their understanding, instead of disgracing himself with a repetition of the same offensive declamation. After the very able and distinct manner in which the Noble and Learned Lord (Thurlow) had spoken upon this point, it was unnecessary for him to say much upon the subject. The Noble and Learned Lord appeared to him to have viewed it comprehensively, and not only to have treated it with candour, but with kindness to the Noble Earl, who, he was sorry to see, was not ready to return the smallest acknowledgment for the tenderness that had been shewn him. The Noble Earl had thought proper to appeal to him, in consequence of his having had the honour to be elected to the highest station, which a Commoner could fill in this country, *viz.* the chair of the House of Commons, and to ask, whether he would concur with the Noble Earl in the assertion, that the putting a question in other words than those in which it was originally drawn, was not a proceeding altogether new and unprecedented. So far from concurring with the Noble Earl in this assertion, he would tell the Noble Lord that it was neither new nor unprecedented, and that nothing could be more common, than when a motion struck the Speaker as incorrect in point of form, inadequate to its object, or contrary to some standing order, for him to state his reasons to the House for not putting it in the words in which it had been handed to him, and to suggest an alteration,

tion, which alteration the House adopted, without going through the form of taking a question upon the alteration by motion of amendment. That such was the practice elsewhere, every one of their Lordships who had experienced the advantage of a seat in the House of Commons before they were called up to that House, by death, by writ, or patent, must be well aware. In regard to the motion then before the House, if he thought it was either meant to convey, or that it tended to convey, a censure on his Noble and Learned Friend on the woollack, he would have moved an amendment, to give the thanks of the House to the Learned Lord, for his very able, just, and manly conduct on that occasion. As this, however, appeared sufficiently to be the sense of the House, and the motion could not be said to apply to that transaction, he would content himself with moving, "That the House do "adjourn."

The Marquis of Lansdown agreed completely with the Noble and Learned Lord (Lord Thurlow), who had with so much clearness laid down the rules of order and form. He heartily wished the House had stopped there, and suffered the debate to end. The Marquis said he was in the House, when the Noble Earl began his speech, but he left it, feeling that the temper of the House was unfit for bearing arguments on the serious grounds of the question. He could not therefore be a witness of the indecent scene that followed. With regard to the Noble Earl's motion, it was misunderstood, in consequence of the House having suffered itself to be hurried away by its intemperance, and thence led hastily to draw conclusions, that the words of the introductory matter of the motion did not warrant. Stripped of the strong and violent expressions, to which the Noble Earl well knew, from frequent private communication of sentiments, that he was altogether averse, and a few offensive epithets, the preamble of the motion, he verily believed, might, as the Noble Earl had said, be found and traced in all its parts, in motions, resolutions of the House, or uncomplained of Parliamentary speeches. The Marquis said, he would take that opportunity of cautioning ministers against intemperance. It always led to mischief, never to any good. It served to smother the fire for the present, but it left the embers still alive, which almost always broke out again, and generally at a more unlucky moment. He compared it to the case of the recent attacks on the press, which he stated to be most impolitic and mischievous. Persecution rather increased than allayed popular prejudice, and in the case in question, led to convert public assemblies of men of known character, and who avowedly met on public grounds, into private and secret meetings.

meetings. He pointed out the dangerous consequence of such meetings, and said, the effect to be dreaded from them was beyond description. Resuming his justification of the Noble Earl, he declared, that to all who were accustomed to read, and who understood the valuable volume from which the Noble Earl had quoted some verses of a chapter last Friday, it must appear, that in the Book of Samuel, and the proper application of what was there said of Kings, there was much of solid wisdom and useful information. With regard to the Noble Earl himself, surely, when the character of his ancestors was recollected, no man would deny that every possible respect was due to him. Ancestors so far famed for virtue, integrity, talents, and all excellent qualities, few of their Lordships could boast of, and the present Earl was in every point of view an adequate representative of his family. The Marquis concluded with declaring, that he would not enter into the question, because he left the House so early, and because the Noble and Learned Lord who had spoken second in the debate, had put the point at issue on such clear grounds; he concurred with the Noble and Learned Lord in opinion, that it was better to let the matter rest where it was, and therefore he should vote for the previous question.

The Earl of Mansfield began with stating that their Lordships might be assured that he would not keep them long. He said, he did not mean to enter into the question at large after the Noble and Learned Lord who had spoken second in the debate, being perfectly conscious, that, if he attempted to go over the same ground, he should fail in his endeavours to render it more clear. His Lordship confirmed the account of the transaction given by the Earls of Carlisle and Caernarvon in every particular, and said, he should vote for the question of adjournment moved by the Noble Secretary of State, having more than once heard it argued, that a motion for adjournment was the correct way of moving the previous question. Before he sat down, he would only say that he was perfectly ready to discuss the question, but that was neither the proper time nor place for such a discussion.

The Lord Chancellor requested the indulgence of the House for a few minutes, upon a subject in which he was personally so much implicated. He assured their Lordships he did not rise to enter into any argument respecting the question, which had been sufficiently discussed already. He acknowledged himself to have been much obliged to the Noble and Learned Lord for his very able and explicit argument on the subject. He felt himself relieved by it from great difficulty. Before he heard the

the Noble and Learned Lord's speech he had prepared himself to state what he understood to be the order of proceeding in general, with regard to the forms of that House, which it was his duty to study and to enforce in practice. With respect to the question of order, nothing could be more clear than that it was not necessary to put the question of *Content* or *Not-Content* upon every point. It was necessary to consult the House, by asking, Is it the pleasure of the House that such a thing should be done? and if no Lord dissented, then the thing was ordered without putting the question. For instance, when a message was to be received from the Commons, the question was not put, *Content* or *Not-Content*: Previous to the messengers being admitted, the Chancellor only says, "Is it the pleasure of the House that the messengers be called in?" If no Lord opposes their being called in, they are introduced without further question. His Lordship stated several other instances of a similar nature. He next adverted to the circumstances which took place on Friday, declaring that he should be extremely sorry to have betrayed the House into an irregularity by any inadvertency on his part. He said he was in the judgment of the House, whether he did not act in conformity to the sense of the House, on that day, very strongly and very unanimously expressed? He was governed in every thing he had done, by a wish to save the Noble Earl from incurring the severity his incautious conduct had exposed him to. His Lordship concluded with declaring himself infinitely obliged to his friends in particular, who had been pleased to speak handsomely of his conduct, while he had enjoyed the honour of sitting on the woollack, and still more to the House in general, for their liberal support, which could not fail to impress itself forcibly on his mind at the moment, and would ever keep his gratitude alive, the best proof of which would be shewn by his unremitting and most anxious endeavours to discharge the important duties of his office to the general satisfaction of the House.

The Earl of Lauderdale rose to make a short reply, and he said, at that hour of the night, he would compress what he had to say into as short a compass as possible. He spoke in terms of respect of the argument of the Noble and Learned Lord who had risen second in the debate, and desired any Noble Lord to prove a single point of material import in which he had differed from that Noble and Learned Lord. The Noble Lord had stated a case, that occurred while he sat as Speaker of that House, and said, that he took two or three steps from the woollack, to appeal to the House, whether they would
consent

consent that he should alter the motion or not? Had those two or three steps been taken in the present instance *, there would have been no cause of complaint. One point he wished to explain, as it seemed in the course of the debate to be misunderstood:—He had never made any harsh observations on the motion which his Noble Friend made on Friday last; because, not being present, he could not think himself justified in giving any opinion upon it at all: What he had declared was, that had it been as bad as it could be, the treatment it met with was equally reprehensible. The Earl said he was aware it was rather irregular to give a notice, while he was upon his legs for the purpose of speaking to the question before the House; but as he understood the question of adjournment was about to be put, he would take the liberty of informing their Lordships, that on Tuesday next he would bring forward the motion which he meant to have submitted to their Lordships that day on the criminal laws of Scotland. The subject, he said, had cost him much pains, and he had collected a good deal of information respecting it; and their Lordships all knew, that when the mind was loaded with materials, all calculated for the illustration of a particular argument, it was not very pleasant to retain the burden longer on the memory than was indispensably necessary.

The question of adjournment was put and carried.

The House adjourned.

HOUSE OF COMMONS.

TUESDAY, April 8.

The Bill for the better taking of Special Bail in the Court of Great Sessions in the County Palatine of Lancaster, was read a second time, and ordered to be committed to-morrow.

The Lottery Bill was read a second time, and ordered to be committed for Thursday.

Lord William Russell brought up a Petition from the Prisoners confined for Debt in the King's Bench Prison, praying

* Had the Earl of Lauderdale been present at Friday's debate, he would have seen that the Lord Chancellor did take the two or three steps alluded to, having left the woolpack expressly and avowedly for the purpose of appealing to the House, to know whether he might be permitted to leave out the Preamble to the Earl of Stanhope's Resolution, when he clearly received their Lordships' sanction for the omission. *Vide page 37 of this work.*

such relief as to the House should seem meet.—Ordered to be laid on the table.

Lord Newburgh's Petition was reported, and referred to a Committee.

An Account was ordered and presented, of the Surplus of the Consolidated Fund.—To lie on the table.

An account of Monies paid into the Exchequer was ordered.

A Petition from the Carriers was presented, and referred to a Committee.

FOREIGN CORPS BILL.

The Order of the Day was moved for the second reading of a Bill to enable the Subjects of France to enlist as Soldiers, and to enable his Majesty to grant Commissions to them under certain restrictions. The Bill was read accordingly.

Col. M^r Leod recurred to the circumstance which he mentioned respecting hand-bills distributed about the metropolis, inviting aliens out of employ, under the allurements of great levy-money, to enlist in the British service. He said, he could see no reason why the minister should have recourse to this mode of anticipating what might be the decision of the House, unless it was from a systematic design of insulting Parliament. According to this precedent, ministers might raise regiments of foreigners in the very heart of the metropolis, without the consent of Parliament. In general, the Right Hon. Gentleman made use of no great delicacy in passing bills with a degree of rapidity heretofore unusual. He knew, he had a sufficient number of friends in either House ready to adopt his propositions, nor had he the least reason to distrust the Royal assent to any measure he might be inclined to propose. There could not, therefore, the Colonel said, exist the smallest necessity for his doing that unconstitutionally, and of his own authority, which he might as well, and with equal ease, do upon the authority of Parliament. Such proceedings appeared to him to require the utmost vigilance on the part of the House, as they were in themselves of the highest importance, and the more so, when it was considered, that they were connected with the prerogative doctrines of the power of the Crown to land foreign troops in this country, and receive benevolences from the subject without the consent of Parliament, so recently maintained, and so strenuously asserted. These together formed such a combination of encroachments, as in his opinion left the people of Great Britain no constitution at all. He declared, he could not consider it possible that this proceeding should be unknown to his Majesty's minister, and therefore

therefore he begged to be informed by the Right Hon. Gentleman, whether it was done by his direction or approbation? And if not, whether he intended to direct prosecutions to be instituted against the offenders?

No answer being given to the question, the Bill was read the first time, and *the Chancellor of the Exchequer* moved for the second reading, when

Col. M'Leod again rose, and said he was surprised at the Right Hon. Gentleman's silence, and whether it arose from a contempt of the person who asked the question, or from any other cause, was perfectly indifferent to him. He thought, however, the Gentleman was bound to give an answer; and if he did not, he should, in conjunction with some of his Hon. Friends, take some measure which would oblige that Gentleman to give him an answer.

Mr. Grey said, he had seen some of the hand-bills that invited foreigners to enlist. As it was an illegal and unconstitutional measure, it became ministers to inquire into it. If some inquiry was not made, and some satisfactory answer given to the question that was put by his Hon. Friend, he professed himself perfectly ready to support any proposition that his Hon. Friend should in consequence bring forward.

The Chancellor of the Exchequer said, he did not know what steps any Gentleman could take to compel an individual in that House to answer a question which he might think proper to put to him. With regard to the question that had just been put to him, he could not but feel surprised, as he had answered the question explicitly the preceding day. The Hon. Gentleman had said it was a constitutional question. He confessed he could not discover what idea the Gentleman had of a constitutional question, by the present example, unless he meant a question put in an uncivil manner.

Col. M'Leod said, he had yet received no answer to the question. Whether ministers would prosecute the authors of those bills?

Mr. Jolliffe said, he thought ministers would have enough to do, if they prosecuted the authors of every little paltry hand-bill which was distributed in the streets.

Motion put and carried.

BILL FOR EXEMPTING THE POOR FROM LABOUR IN THE REPAIR OF THE HIGHWAYS.

Sir Charles Bunbury said, he should not trouble the House with arguments in favour of the introduction of such a Bill, as it would not only be an unnecessary waste of their time, but would imply a distrust in their liberality, a doubt of that

laudable disposition which distinguished Parliament, and which always induced it to give the most favourable attention to every reasonable proposition which tended to alleviate the burdens of that valuable and meritorious class of subjects, the industrious poor, the labourers, and artificers of Great Britain. It was this disposition, so honourable to each side of the House, this zealous attention to their first duty, namely, that of promoting the welfare and happiness of the subjects of the realm, that secured to Parliament the esteem and applause of every worthy and reflecting man; it was this, that so endeared it to the people as to render them deaf to the calumnies of its defamers, and inattentive to the specious but delusive projects of speculative reformers; since it gave them reason to conclude that the Parliament, constituted as it was, under its present wise and fortuitous construction, spoke, as it ought, the language of the nation, and that the sentiments of their representatives were in unison with the sentiments of the people.

Sir Charles flattered himself that the Bill he wished to propose, to exempt the poor from personal labour in repairing the roads of the kingdom, or in lieu thereof, paying a composition which they could ill afford (since, though it might appear small and trifling to the Gentlemen whom he addressed, was still important to the indigent persons whose children were to be fed by the produce of their toil), would upon investigation meet with the approbation of the House, as it was founded on the most equitable principle, namely, That those who received benefit from the roads, and those who injured them, should be at the expence and trouble of their repair, and that those who received no benefit from them, should be exempted from the burden.

The poor man received no benefit from their improvement, neither did he injure them; they might rather be deemed injurious to him, since, by facilitating the communication with the capital, they tended to increase the price of provisions.

He moved, therefore, "That leave be given to bring in a Bill, to amend an Act, made in the 13th year of his present Majesty's reign, intituled "An Act to explain, amend, and reduce into one Act of Parliament, the statutes now in being for the amendment and preservation of the Public Highways within that part of Great Britain called England, and for other purposes;" so far as the same relates to the labour thereby required from certain persons therein mentioned.

Mr. Salusbury seconded the motion.

Mr.

Mr. Gilbert declared, that there was no man who felt more than himself for the sufferings of the poor, but considering the great benefits that resulted from the act of the 13th of the King, he did not think it expedient to hazard their loss or diminution on the grounds that had been stated.

Mr. Joliffe paid *Mr. Gilbert* many compliments for his former exertions towards the relief of the poor; but declared that he was astonished that he should now give his opposition to the measure proposed. The benefit of good high roads was chiefly felt by persons who had carriages; they only should contribute to keep these roads in repair. He considered nothing that the Hon. Gentleman had said was entitled to any weight against the excellent motion of the Hon. Baronet, which would contribute so essentially to the ease and satisfaction of the poor.

Mr. Burton was of the same opinion, observing, that an exemption of a tax of *two shillings*, however trifling it might sound in the ears of gentlemen of fortune, was no mean object to poor and laborious men.

Leave was given to bring in the Bill.

HIS MAJESTY'S MESSAGE RELATIVE TO THE CROWN LANDS.

The Chancellor of the Exchequer moved the Order of the Day, for referring his Majesty's Message relative to the Crown Lands to the consideration of a Committee of the whole House.

The Order of the Day being read, the House resolved itself into a Committee of the whole House accordingly (*Mr. Hobart* in the Chair).

The message recommended to the consideration of the Committee the better regulation of the Crown Lands.

The Chancellor of the Exchequer stated, that the measure which he should have the honour of submitting to the consideration of the Committee, would be of advantage both to the public, and to private individuals. He was not at present prepared to bring forward any measure relative to the better regulation of the woods and forests. That subject was, no doubt, extremely material, but it was of so complicated a nature, that it was necessary to defer the consideration of it to a period of more leisure. The plan that he had to propose, related to the other landed estates of the Crown. Those Gentlemen who would read the several voluminous reports that had been made by the Commissioners appointed to inquire into the land revenues of the Crown, would find that, if those landed estates were properly managed, they would yield a very considerable increase of revenue. The reason why they were not so productive

ductive as they otherwise might have been, was, because leases had originally been granted before the real value of the estates was known. To this circumstance it was owing that the landed revenue of the Crown had not yielded as much as it might have done. The chief regulations that he intended to propose were, that surveys be taken before the Treasury grant any lease; that the improvable value be ascertained before any lease was renewed; and that, where repairs were found necessary, no fine be imposed, but reserved in the annual rent. Another regulation that he meant to propose, regarded building leases, and went to extend the time. In addition to these, there were other more minute regulations; but as he was aware that it would be wholly unnecessary for him, in the present stage, to go at greater length into the measure, and as Gentlemen would have full opportunity of discussing the plan in the future stages of the Bill, he would content himself with merely moving for leave to bring in a Bill for the better regulation and management of the Crown Lands.

Mr. Fox said, he did not rise for the purpose of objecting to the motion, but to support what had often been mentioned with approbation in the House; namely, whether it would not be more constitutional, as well as more productive to the revenue, that all the lands of the Crown should be disposed of, with a very liberal reserve of what might be necessary to the convenience or pleasure of the Royal Family.

The Chancellor of the Exchequer acknowledged it to be a circumstance which had frequently been thought of; but, from the best attention that he had been able to bestow upon the subject, he was of opinion that more benefit would be derived from the putting the lands under judicious regulations, than was likely to result from disposing of them altogether.

The House being resumed, *Mr. Hobart* brought up the Report of the Committee, which was read and agreed to. A Bill for the better Regulation and Management of the Crown Lands was consequently ordered.

SINECURE PLACES AND PENSIONS.

Mr. Harriſon rose, and opened the nature of the motion, which, in pursuance to the notice he had given, he should have the honour of submitting to the House; he said, that the motion was not intended to deprive men of that which was necessary for their support; it was very far from his intention to deprive any Gentleman whatever of the reward due to any actual service to the state, in any employ in which he might at present be engaged: Nor was it his desire that those persons

persons who had sinecure places or pensions, for services formerly done to the state, should be deprived of those emoluments they had merited from the hands of their country; but he thought it peculiarly proper that those who had neither of these claims should contribute largely to the present unfortunate exigencies, at a moment when ministers had signified to the Public that it was necessary for Gentlemen of landed property to stand forward, and give their contributions in support of the public cause. In this situation he thought such sinecure places and pensions were fair objects, and that those who enjoyed them should contribute as well as others; for taxes fell extremely hard on the poor manufacturers and labourers, many of whom the war had already deprived of bread. It was admitted that the situation of the country was such as to require some extraordinary resources; he believed it to be such as to require the utmost resources this country was able to procure, and that, if better measures were not adopted, all our resources might soon be at an end. There was another reason which made the measure he had to propose particularly proper at this time; it was, that while the servants of the Crown were enjoying large profits and emoluments, the poor distressed, and the executive government soliciting subscriptions, these Gentlemen should set the Public the example of subscription, and shew, that while they call on others to assist the state, they are willing to be at some expence in assisting it themselves. This would make the poor a little more willing to bear their burdens, which were already extremely grievous; and unless something of this kind was adopted, would soon be intolerable. There was another reason for adopting this measure: If ministers were thus to give up their sinecure places, and other persons to give up their emoluments and pensions, it would shew that they were in earnest when they talked of the calamity of the war, and be some proof they would do all they could to put an end to it; by this they would silence that general observation, that to ministers peace was not an object of desire, for that they bear none of the burdens of the war. Another reason for his bringing this question before the House was, that it would be the means of shortening the calamitous war in which we were engaged. The adoption of it would also enable Government to make strenuous and effectual efforts in the contest.

He confined the motion he had to make to three classes of men, each of whom he thought might well give up a part of what they received from the Public, to alleviate, in some degree, the calamities of the country. The first class were those who enjoyed sinecures not less than 200*l.* per annum; the

the second, such as enjoyed efficient places, which had salaries not less than 500*l. per annum*. He thought the salaries attached to the efficient places were enough for such gentlemen, without annexing to them any sinecure place, and he entertained no doubt but those who were so anxious to call upon the landed property to stand forward in the support of their country by voluntary contribution, subscription, or benevolence, would be eager to press forward, and, by giving up part of their emoluments, shew their real attachment to that cause they called upon others to defend. It was far from his intention to say that those gentlemen who executed the business of the country should not be paid for their labour; he thought the labourer worthy of his hire; if not, he was no longer worthy of working in the vineyard. A third class of men were those who, in conjunction with efficient places, held, as it were *in commendam*, sinecures, not less than 200*l. per annum*; the whole of which, he thought, should be given up, at least, during the war. The misfortune was, that places, instead of being diminished, were increased by the public calamity; and that which should induce a retrenchment of public expence and private emolument, was thought a fit opportunity for extending the evil. The distresses brought on the country by the war were obvious, from its dire effects on the manufacturing part of the kingdom. The weekly earnings of the manufacturer, which once afforded the comforts and necessities of life for himself and his family, were at present so reduced, he said, as scarcely to afford them a scanty subsistence. The increase of the poor rates through the kingdom was a proof of the declining trade of the country. The city of Norwich was an index to the misery of the rest; "Perish the Commerce of the Country" had been illustrated, the poor rates there amounting at this moment to 21,000*l.* which was prodigiously higher than was ever known before on the most calamitous occasion. Mr. Harrison said, he preferred the motion he should make for leave to bring in a Bill, to that of proposing any resolution, as it afforded a better opportunity for discussion; because, when the Bill should be brought in, such regulations might be made in the Committee as might seem most suitable to the attainment of the end proposed.

He proceeded to state the heads of his Bill. In the first place it did not touch any pension below 200*l. a-year*.—Out of the net produce of an efficient place which amounted to 400*l. a-year*, he proposed one fourth to be appropriated to the public service.—Out of sinecure places and pensions of 400*l. a-year* and upwards, he proposed to appropriate to the public use one half; and the whole of any sinecure place which

which was held by any person who had another, and an efficient office under Government: Some of these sinecures amounted, besides the salary of the efficient employment, to 6000*l.* or 7000*l.* a-year, and the amount of all these was enormous. Out of these places he meant to make exceptions, such as the Judges, the Speakers of both Houses of Parliament, Ambassadors, Officers of his Majesty's Navy and Army; on none of these would his Bill attach.

In bringing this subject forward, he said, he followed precedents in that House. It was very obvious how great an assistance the revenue would derive from the expedient proposed. The sums which would be derived from the latter source alone would be very great, much beyond what any person would conceive who had not investigated the subject. No hardships could be reasonably complained of, if these latter salaries were appropriated to the public service. He thought also it would induce ministers to endeavour to put an end to the war as soon as possible; at present their income was not at all injured by the failure of our commerce, and the distress of our manufactures.

He read, as part of his speech, the proceedings on a motion of Admiral Ruffel in 1691, which proposed, that, during that war, one moiety of all places, the salaries of which exceeded 300*l.* per annum, should be given up: And in reply to this proposition, Sir Thomas Rich, a Lord of the Admiralty, said, that the Hon. Admiral had mentioned that proposition to him before he was in place; that he at that time approved of it, and he was happy he now had an opportunity of convincing him that his approbation was sincere, as he would cheerfully surrender one-half of his salary. Captain Lowther said, he should be willing to serve for nothing; and there were several others who shewed equal eagerness, and some who lamented they had not sufficient salaries to enable them to contribute to the purpose of the Bill; all were willing to concur; and he trusted that the precedent of those great and good men would, with equal alacrity, be followed by the present possessors of employment under Government. He trusted they would gladly imitate so excellent an example.

He thought that conciliating measures, such as the one he proposed, would be more proper, than adding to the burdens already very severe on the poorer orders of society; they would be convinced of the sincerity of ministers' wishes to put an end to this disastrous war, when they observed those gentlemen willing to come forward with their contributions. He had often wished that what had happened in a neighbouring kingdom had never been mentioned within those walls; for the frequent

had arisen from the war. He would reserve to himself the right of revocation of all his present opinions; and, if proper, he would be proud to commit the same glorious, patriotic, moral, illustrious inconsistency, laid to the charge of an Hon. Gentleman (Mr. Windham). When that Hon. Gentleman varied his opinion, he had just reason for so doing. He concluded with some observations to shew that ministers were men more interested in the preservation of peace, than the prosecution of a war, if a war was by any means avoidable; and that if sinecure places or pensions were thought to be more than were necessary, this was, of all others, the most improper time for retrenchment.

Mr. Hobart admitted, that possibly the poor rates for the last quarter, for the city of Norwich, might have amounted to the rate of 20,000*l.* per annum. But he must observe, that at Christmas last there was no one in Norwich, who had a mind to work, but could have procured employment; though, by an arbitrary edict of the Empress of Russia, certain Norwich manufactures, among other things, were prohibited from being imported into her dominions. In consequence of this Imperial edict, the manufacturers, to the number of 10,000, had been thrown out of employment. This, and not the war, was the cause of the increase of the poor rates.

Mr. Hawkins Browne said, he had given every attention in his power to the Hon. Mover's speech: He conceived the motion to have four grounds: First, that the war was unnecessary; he thought if there were no other ground of objection to the motion, that was a sufficient one; because, in agreeing to it, they must contradict the several resolutions and addresses on the Journals, act contrary to the opinion of a great majority of the House, and he trusted a much greater majority out of doors. The next point was that of voluntary contributions; he contended that, now the public spirit was called forth, it was not proper to distinguish one particular set of men from the rest of their brethren, by making their contributions compulsory, whilst those of the *others were voluntary*. He ridiculed the idea that it would induce the ministry to put a more speedy end to the contest with France, and contended, that what the minister enjoyed, was no more than the well-deserved reward of the application of those talents to the service of his country, which, applied in any other way, must ensure him an ample fortune. The precedents quoted by the Hon. Mover, he insisted, did not apply, as the expences of the present day exceeded those of the period of 1691 so much, that a man could afford, at that time, to live better on 500*l.* than he could at the present day on 1000*l.* He reprobated the motion,

motion, in every point of view in which it could be taken, as useless and unnecessary.

Mr. M. Montague declared the present motion to be of a dangerous tendency, as it was calculated to confirm the opinion which had been so much endeavoured to be promulgated in the various seditious publications which had gone forth to the People, that a greater sum was paid for the Government by the People, than such a Government was worth; this he thought an opinion of a nature too alarming for that House to give any sanction to. In no government could men be found to act without reward, or the hope of a reward; and although it was reported that such men were to be found in France, he had every reason to suspect the contrary.

He entered into an eulogium on the talents and exertions of the minister, for which he thought no sum of money, however great, was an adequate compensation. He admitted his partiality for the Right Hon. Gentleman, but wished to know if Gentlemen on the other side had not similar attachments, and did not think some talents could not be too highly rewarded?

Mr. Curwen said, in his opinion, if the Public did suspect an expenditure of more money upon Administration than was really the case, that the Hon. Gentleman who proposed the motion deserved well, merely for his having afforded an opportunity for the elucidation of that subject. He considered the propriety of example; and how far it would contribute to remove those prejudices from the minds of the people, which the refusal of it must otherwise confirm. After the extraordinary exertions of the Right Hon. Gentleman opposite, who had strained the proceedings of 1782 to fit them to his purpose, he considered the motion as extremely proper, and hoped it would pass, lest the Public should regard those extraordinary exertions, to which he alluded, as not made for patriotic purposes, but to gratify some selfish desire. He asked why a Parliamentary Reform had been suggested, but because of this general and prevalent idea of corruption? Particular men were not the object of the question then before them; it was of a general nature. He should expect, if those Gentlemen, in whom he placed a confidence (and which he did not think a very distant prospect), were in power, that he should exercise the same ability, and the same exertion, that he then did, for attaining the same object. When men in whom he had no confidence were in power, he feared, that, at some future period, those persons, who attempted to draw into precedent the circular letter of 1782, as a ground for opposite conduct

in 1794, might, by similar ingenuity, torture the proceedings of that night into a precedent for establishing corrupt influence. The charge of corruption upon Members of that House existed upon their Journals, where it was directly said, they had not come into that House to serve their country, but under corrupt influence; and whence arose that corrupt influence? Assuredly from the existence of sinecure places and pensions. It appeared extremely necessary, at this alarming and important crisis, that the disposition of the burdens should be equal, since every person more readily and more contentedly would bear his load, when he perceived it to be the common lot of all. What better demonstration of unanimity could there be, than that of the patriots in 1691, which he recommended as a precept? Should it go forth, that, at this enlightened period, they were less attached to the safety and interests of our country than they were in 1691? Surely not; and therefore he hoped the Chancellor of the Exchequer did not mean to pass by it. What the means would be, or what the quantity of profit, he did not pretend to tell, but he would support the motion; and he contended that those Gentlemen who proposed voluntary contributions, and great personal exertions in the present war, could never state any solid objection to it.

Mr. Burke said, the present proposition was of so singular and unprecedented a nature, that he could hardly believe the Hon. Mover was serious in his mode of treating it. Undoubtedly the great merit of a jest was the serious carriage and deportment of him who was the author of it, who, while he made every one around him laugh, preserved himself a grave aspect. The Hon. Gentleman who had brought forward the present motion seemed to possess this talent in an eminent degree; for he had, in the most grave and serious language, brought forward a proposition at which he must not only laugh inwardly himself, but must know that others would laugh openly.

The motion seemed to be of a twofold nature, and might be considered in two points of view: 1st, as a question of charity, and 2dly, as a question of policy. It was held out as the charity to relieve the distressed manufacturers of the country, but the policy was to relieve the distressed manufacturers of Acts of Parliament. He supposed, when the Hon. Gentleman brought such a motion forward, which was to be an object of revenue, and was to go in aid of the resources of his country, that some calculation would have been produced to shew how much would be saved to the country by the proposed retrenchment; but no such thing had been done. The charity was to be applied, he supposed, to the manufacturers and their friends

friends out of Parliament, some of which might be Members of Parliament, for ought he knew, in want of employ. "*Materia superabit opus.*"

Having hunted this varying *Proteus* in every shape, they now pursued it to Norwich. Why was Norwich the particular object? What had become of the poor Spital-fields weavers, for whom they had so lately raised subscriptions? What had they done? Or why had all the kingdom so sunk in consideration, that Norwich only drew compassion? The Gentlemen were very compassionate indeed, especially to the poor: But their compassion reminded him of the late Queen Mother, who, when Somerset House was building, used to look at the prospect on the Surry side of the water, and think of their poor inhabitants,

———"Whose dwellings lie
"First in her care, and always in her eye."

He asked what benefit could, on a reasonable calculation, be estimated by this new system of finance? He conceived the whole to be a mockery, and that the money raised by it would not even purchase small beer enough for the poor of Norwich for the supper of a single night. [*A cry of Yes, and Hear!*]—Yes, yes, yes, and hear! he said; he wished rather to hear the calculation. The proposition in itself he considered to be of the most dangerous kind, as it went to a direct invasion of the rights and properties of individuals; for the emoluments of places held under the Crown were possessions as sacred as that of any landed property in the country; and a motion might as well be made for taking a certain part of the property of a man who possessed ten or twenty thousand a year, which might be considered as a sinecure, as he had done nothing for it; in fact every man who held any place of profit, by a legal title from the Crown, had as good a tenure as that by which the Hon. Gentleman and his friends dared to bring forward and maintain such a motion—

Mr. M. A. Taylor appealed to the Speaker. He said he thought every Member had a right to make a motion in that House; and Parliament had then the right to dispose of it. When such language was used as that they had *dared* to make a motion, he certainly would call to order, and by his legal information he knew that he was authorized to do so.

The Chancellor of the Exchequer did not conceive that it was competent in any Gentleman to interrupt another for want of order, when the Speaker, by permitting that Gentleman to go on, had not considered him disorderly. When his Right Hon. Friend had used the word that appeared so obnoxious, it seemed

seemed to him that he meant nothing more than the rashness and indiscretion of the Hon. Gentleman who made the motion.

The Speaker said, he was himself in doubt whether he should have called the Right Hon. Gentleman to order when he used the term; but an idea that it was used as the Chancellor of the Exchequer had explained it, prevented him. He assured the Hon. Member (Mr. Taylor) who spoke to order, that if he had considered any violation of order to have been committed, he should have interfered.

Mr. Burke thanked the Speaker for his candour, and proceeded. Since the word *dare* was so exceptionable, he said, and as he was not that great Mr. Dare of whom every body had heard so much, he would not *dare* to provoke those daring and courageous Gentlemen again to call to order. He would call then their wisdom and moderation of relieving the poor (words to which they could not, would not, have objections), a more dangerous and ruinous proposition than he had ever heard of. He not only avowed his contempt, but abhorrence, of this dreadful beginning, which opened to a more fatal issue. These Gentlemen, in their wisdom and moderation, and through compassion for the poor, were beginning the same plan for the destruction of all property as had been begun in France. There the first steps began on the pretext of relieving the poor, with the abolition of places, and the robbery of the clergy; next after that came on the seizure of landed, and afterwards of monied, property; so that at length things were come to such a miserable pass in that unhappy country, that a peasant could not call a basket of eggs, nor a pail of milk, his own. He would, therefore, always negative every beginning that had a tendency to shake the settled order of things. The present appeared to him to be a dreadful beginning: It was also a useless one. It was beggary assisting beggary, and perfectly ridiculous. He compared it to an egg, which was, indeed, but a paltry thing, but no one could tell precisely what an egg might produce.

He wished them to state what the places were to be thus taxed, and what the sums would amount to. He was sure that, if the Government had no better resources than these, they must soon put an end to the war. When he considered the efficient offices, he considered also the dignity of necessity attached to them. Ministers were fugitive beings; here to-day, and gone to-morrow. Mankind itself was so, and therefore efficient offices must have efficient means, or the business would be neglected. A State must be supported by abilities, and abilities by rank and appearance.

There

There was an old-fashioned author, whom he supposed the Hon. Gentleman who made the motion would treat as a strange, dogmatical, contemptible fellow (he meant Livy, the historian), who, speaking of some foreign ambassadors that had arrived at Rome, says, "Our nation may be the poorest upon earth, it is true; but what magistrates or ambassadors of any country ever made a more noble or a more dignified appearance?" They were convinced the dignity of the nation should be maintained, whatever might be the poverty of the people. Let any person reflect within himself, if in private life the master does not judge for himself, whether he would give the same wages to his game-keeper as his footman, and his footman as his grooms. Does any Gentleman give the same wages to a boy in his stable as to his cook, who entertains his friends when they join in festivity with him, and who are not certainly called to order? Men in office must support their rank, they have expences of a different nature to those of ordinary people; they have their condition, dignity, duties and importance of their situation to regard. Thus, then, a First Lord of the Treasury, the chief and most important office belonging to his Majesty, was to receive no more than 2000*l.* a-year. For his part, he believed the salaries of the servants of the Crown were far from being adequate to their services; the Crown had no mode of providing for them as formerly, as Lord Salisbury and other great ministers had been. He instanced Lord Somers having at one time received 35,000*l.* for his services, and deservedly. He was not able to set any precise value upon the abilities of any man. What could any man think would be an adequate compensation for the entire application of such talents as Mr. Erskine's, which he (Mr. B.) certainly rated very high? he could not form any judgment upon the matter. He, therefore, that would hold out such a dangerous doctrine as the present, only robbed the poor, and unhinged that structure which protected them. And if those Gentlemen, who pretended to be such friends to the poor, would club together, they could raise more from their own private fortunes than could be gained by the proposed Bill. He contended, that, as a measure of resource, the measure was trifling and inadequate; as a matter of policy, mistaken. It had not even the merit of being original: One similar to it had been formerly proposed, and he opposed it; as he would the present, which was vain and futile, tending to injure the poor; since it could have no other effect than that of making the poor believe that Government was doing every thing to plunge them into misery for its own ends. If the poor were to be relieved in no other manner, then let them submit to the will

will of God. No persons were so deserving of rewards as labourers for the public. To take from the present labourers, he thought, would be a great injustice; and he verily believed, that, were the proposed Bill to be adopted, the printing and paper would cost more than every thing that could be gained by it.

He also considered this motion as delusive to the people; and supposed, that, if Russia should again give orders for the importation of Norwich manufactures into her dominions, that ministers were to have their salaries back again. It was curious to observe, that the accidental and fluctuating circumstances of manufactures and of commerce were always made a ground of imputation on the executive government. Must the constitution, and the regulation of the state, be suspended every time that any foreign power chose to prohibit the importation of any manufacture, which might occasion a temporary distress? Money was not the means whereby distressed manufacturers were to be relieved; to give them money would be to make them idle, and prevent their return to industry. If they chanced, by misfortune, to fall into poverty or distress, their sole relief must be from Heaven.

Mr. Burke in the course of his speech said, in answer to Mr. Coke's sarcasm upon the minister's mode of coming into power, that it mattered not how he came in, or how he would go out, as far as related to the present subject; that it was the peculiar province of the Crown to measure and distribute the proportion of rewards to the merits of its servants; and he was astonished that the House should be called upon to interfere in a matter not within the scope of their ordinary functions. He continued to remark, that in his time he had seen many great men leave the stage with lean and inadequate fortunes. Perhaps it was expected that great men should serve the Public as they are commanded to serve God Almighty, *with all their heart, with all their mind, with all their soul, and with all their strength*. He concluded by observing, that he came down to that House as it suited his humour; that he gave his opinions backward and forward without controul, *pro consilio defensus*, as well as *se defendendo*; therefore he should reprobate the motion *in toto*.

Mr. Sheridan followed, and declared, that, notwithstanding the singular language held by the Right Hon. Gentleman who had just sat down, he would *dare* to defend the measure proposed, and subject himself to the imputation so liberally bestowed by that Right Hon. Gentleman upon all who should think seriously in its favour. Before, however, he proceeded to a discussion of the question, he could not avoid congratulating

ating certain Gentlemen on the other side of the House on the silence which they preserved upon the occasion, and which appeared so characteristic of those sentiments which no doubt they would evince by their decision. If they had been silent, however, they did not appear absolutely void of sensibility; for when the Hon. Gentleman stated to them precedent in justification of his motion, they stared as if they had heard of some antiquated tale of the virtuous days of Greece or Rome, not the conduct which this country had ever adopted or put in practice. Adverting to the arguments just advanced by the Right Hon. Gentleman, he confessed he felt a degree of astonishment that was inconceivable; and particularly so, as coming from him of all men living: Nor could he, without having heard him, have believed it possible he could possess so absolute an oblivion of all that had past, and in which he had himself shone so conspicuously.

The Right Hon. Gentleman had thought proper to rebuke the Seconder of the motion for noticing the mode in which the minister had come into power, and said, of what consequence was it how one came in, or how he went out? Did he himself so totally forget those sentiments which he had so firmly recorded, and by which he had branded to all posterity the mode in which that minister had possessed himself of his present station? He had also expressed his astonishment at the idea of that House attempting to measure the proportion of rewards which the Crown was to distribute. Did he again forget that he had himself done precisely the same thing, when he brought forward the Bill known by his name, and which reflected so much honour on him, for regulating and limiting the Civil List of the Crown; and in which he had restricted the amount of the salaries, or rewards, which were to be annexed to various offices; among the rest, to his own of Paymaster to the Forces, which he reduced to a salary of 4000 l. per annum? The minister had acted upon a former occasion in like manner, and upon the same principle, when he limited the salaries of the First Lord of the Treasury, the Secretaries of State, and other great Officers; in both instances trenching upon the asserted right of the Crown. Did the Right Hon. Gentleman mean to assert that the Crown possessed the sole right of judging what rewards were to be bestowed upon public servants? If he did, he would ask him who it was that is obliged to pay those rewards? He had put the case of a private family, and asked whether the master was not the proper judge in the distribution of rewards; and if those rewards should be the same in all classes of his servants? That sort of case was by no means analogous.

In order to bring it to some sort of analogy, the Right Hon. Gentleman said that no person had the right to limit the salaries of any of the efficient officers, but that it ought to be left to him who employs them. Did he mean his Majesty? Whose was the money? If his Majesty hired them as his especial servants, and paid them as such, he would have the indisputable privilege of limitation; but when he came to Parliament for the supplies with which they are to be paid, it was evident that the money is the public money; that they are the public servants; and that even the Parliament are the servants of the People, as the Parliament is obliged to recur to the People for the means of making good their own votes of supply. To say that the salaries of ministers and placemen are only limitable by his Majesty, he said, he should not hesitate to pronounce one of the most unconstitutional and dangerous declarations ever uttered. He would take the liberty of asserting, that the first executive magistrate was invested with no such arbitrary discretion; the first magistrate and all his ministers were paid by the People, it was therefore the duty of their Representatives in Parliament to watch over the manner in which their money was laid out; and negligence in this respect might excite as much indignation among the people, as the extraordinary number of places and pensions which ministers and their adherents at present enjoyed. He was ready to adopt the principle of his comparison, and to agree that, in both cases, those who pay, were the proper judges of what should be paid.

The next principle upon which the Right Hon. Gentleman opposed the present motion, was on account of the discontent which the exposure of the numberless places enjoyed, might occasion throughout the country at the present time. The Right Hon. Gentleman asserted, that the proposition under consideration would embarrass Government and the Country; although, in the time of the American war, he had said, that all the calamities brought on the country by that war were owing to sinecure places, pensions, and offices, and that his own Bill at that time was meant to destroy such mischievous means of influence in the hands of the Crown, which were employed as bribes to seduce Members of that House from their duty to their constituents. The principal and leading feature upon which his Bill proceeded, was to shew the evils attendant on enormous places, and to produce reform in those evils, by abolishing a number of those places. Where, at that time, was his tenderness, when he set so many adrift unprovided for and unprotected? The public good he called it, which he considered as paramount to every other consideration,

tion, and to which he then thought that every other consideration was to give way.

The Right Hon. Gentleman had thought proper to ridicule the present motion, because he conceived the saving it would produce would be but trifling. Did he himself consider the saving which his Bill was to produce, as forming no object of attention? And yet he would affirm, that the utmost extent of savings under that Bill was contemptible, and as nothing, compared to what might be produced by the measure now proposed. The Right Hon. Gentleman had talked of the amount of the places and sinecures proposed to be applied to the public service by this Bill, as not greater than would afford the poor of Norwich small beer to their suppers. If the fact were so, the poor of Norwich were the most immoderate swillers of small beer that ever existed; but, in fact, if the amount saved were well applied, it would afford a comfortable support for a great share of the poor of the whole kingdom.

To those who asserted that nothing could be gained by the Bill, he would point out some few places; and he believed there was no one who knew the value of them so well as the Hon. Gentleman opposite him. One Nobleman in this country (the late Duke of Newcastle) had received half a million of the people's money, in the single place of Auditor of the Exchequer. Half a million, he observed, would feed all the husbandmen in England and their families for a full twelve-month; and that order of people, though low in rank, was high in value, politically considered, because they were the industrious bees, who helped the hive, and collected and made the honey. It had likewise been said, that we were not, upon this occasion, to make any reference to the actual situation and circumstances of the country, or upon that account to make any deduction from the actual amount of these places and pensions. He would, however, leave the House to judge with what propriety that argument could come from men who were perpetually declaiming on the important objects which this war embraced, telling the country for every thing that can be dear to the heart of man, and the willingness with which we ought to sacrifice our lives and our fortunes in its support.

Observing here an Hon. Member (Mr. Rose) writing, Mr. Sheridan humorously claimed the assistance of a Gentleman so well qualified to make such calculations; and observed, that if a more nice account should reduce the total to two or three hundred thousand pounds, there would be no great room for triumph. It was a notable method to say that Government could not be carried on: if such places were abolished. An Hon. Gentleman (Mr. Drake), whose practice it was to speak

in the highest strain of exaggeration, by raising climax above climax, had declared that every thing in the country was at stake—our liberty, religion, vitality, and a great number of other *alities*. If that was the case, why did not men voluntarily come forward, and give up a part of their places and pensions as a subscription to support the war?

He particularly reprobated the practice of those, who, upon the present, as on all other occasions, especially Parliamentary Reform, affected to reprobate any attempt at amendment, under the pretext that a measure good in itself and in its principle might be abused into a cause of evil by being carried too far. If, as had been so pompously displayed upon various occasions, every thing we held dear was at stake, was it so preposterous to call on those who gained most by the present system to give up a part for the preservation of the remainder? Or what should we say of that most unparliamentary and unconstitutional measure, the General Subscriptions? At all events they would be a bad criterion by which to judge of the public spirit; for he would be bold to say, that the sum total of all that should be raised by that mode, would not amount to what might be saved in the suppression of sinecures. Take the whole amount of them throughout the kingdom, and they would not be found to exceed 200,000*l.* notwithstanding every exertion of influence and authority which had been used. In the county of Leicester, which no one would say was a disloyal county, no more than 2600*l.* had been already raised, 600 of which was given by the Duke of Beaufort. He did not believe the minister meant to repeat this experiment next year, nor yet to admit that public spirit was evaporated: There therefore could be no truth in the insinuation that the French would suppose our resources exhausted by the measure proposed by the Hon. Gentleman who had brought forward the motion; but, on the contrary, they would see greater cause to dread us when they beheld us cutting up corruption by the root: It would prove to them the determination of this country to persevere in the war, by resorting to the most effectual means of enabling themselves to support its expences. When he heard the minister and others describing, in such high-flown terms, the zeal with which the public spirit promotes the present subscription, he should have been considered as paying some Gentlemen a bad compliment, if he were to estimate by their fortunes the amount of their subscriptions; especially when he saw some, who were so liberal in their praises and panegyric, had annexed to their names the paltry sum of 50*l.* If, as was asserted, it was necessary for our existence to conquer the French, we must do it by beating them at their own weapons,

weapons, and, like them, it would be necessary to make considerable sacrifices. A Noble Earl (Morington) had upon a former debate stated that property to the amount of 400l. a year was effective only to the amount of 120l., and he wished ministers and gentlemen, holding places, to adopt this proposition, which, at four years purchase (and he should be sincerely glad if that were the longest duration of the contest), would produce no inconsiderable income. For instance, if a Noble Cousin of the Minister (the Marquis of Buckingham), out of his place of Teller of the Exchequer, were to give up 8000l. a year, in four years 8000l. annually would make a sum of 32,000l., which would not only supply the poor of Norwich with small beer, but give comfortable meals to many of the poor people of the country, by whose labour we were supported; and then there would be no more talk about sedition, which, if it ever did exist, must have arisen from the extravagance and prodigality of ministers. Another cousin of the Right Hon. Gentleman (Lord Grenville) might also apply 4000l. the amount of his place of Ranger of the Park, which he affected not to make use of, but which, notwithstanding, he would assert was in fact no saving at all to the Public. The other Secretary of State, out of his multiplied places of Treasurer of the Navy, President of the Board of Control, &c. might devote the profits of one of those places at least to the same patriotic purpose. To these might be added with, perhaps, singular propriety, a part of the profits of the Hon. Gentleman (Mr. Rose) who was so expert at calculation, and who upon this subject possessed an experience and a source of knowledge not inferior to any of them. Here Mr. Sheridan stated that he had just had put into his hand a list of the places enjoyed by that Hon. Gentleman (Mr. Rose), but which being *too long*, he should decline to state. However, upon a cry of "Read! read!" he proceeded to enumerate as follows: Clerk of the Parliament; Master of the Pleas; Surveyor of the Green Wax; Secretary to the Treasury—a place, no doubt, well known to many Gentlemen of that House. Here hesitating, and the cry of "Read!" being repeated, he wished to know whether the Hon. Gentleman was greedy for more, after having heard *four* enumerated; in fact, there were two more on the paper, but being written with a pencil, he could not make them out. He looked at Mr. Rose, and with some humour demanded whether he was *guilty or not guilty*.—(A loud laugh.)

Returning to the subject before them, he observed, that the minister was much in the habit of boasting of the flourishing state of our commerce during this war; but he denied that this
boast

boast had any real foundation, if we attended to the difference between the present and the late war. In the late war we were engaged in a contest with four nations, whose maritime exertions were respectively powerful; in this war we had to contend but with one, whose marine was at least crippled, if not annihilated. The state likewise of our manufactures was a boast equally unfounded; for the observations of the Gentleman (Mr. Coke) who seconded the motion were not, as asserted, confined to Norwich, but extended to the whole kingdom, throughout which the manufacturer was starving, and who could be rendered serviceable only by being made a soldier again.

That House had been every year accustomed to hear the minister make a boast of the reduction of the national debt; he would ask therefore, When any thing substantial in that way was to take place? The answer was obvious; it was a dream which never could be realized. By the promises held out, we were to arrive at a peace establishment, that is, our income was to equal our expenditure, beside the annual million towards the reduction of the debt, and the 200,000*l.* surplus. That period, notwithstanding these splendid promises, never had yet arrived; and he would affirm, in the most positive terms, by the event of this war never could come: Because, if peace were happily established the next day, our establishments, whether military, naval, or civil, would be considerably higher than ever. Would the minister say that our resources would increase in any proportion? He was sure he could not venture such an assertion. Another principle called for their serious attention. The minister had formerly come forward with a pompous display of a plan, by which, on any future war, it would be necessary to fund the debt necessary to be contracted in such a manner, that the whole of it should be paid within a certain period. This principle he had certainly adhered to upon the first occasion that offered after its adoption. But had he persevered in it upon the present occasion? No such thing! It was abandoned and gone for ever, and with it the most distant prospect of a reduction of the national debt had vanished. On the contrary, they had nothing to look to in the future but, as in the past, the plea of necessity, brought on from time to time, to justify or excuse the repetition of new loans. What prospect was there of our debt being reduced, when, in a period of ten years' peace, the minister, whose economy and financial abilities were so much extolled, had not been able to arrive at the peace establishment which had been settled by a committee of that House? That promised day for the reduction of the debt would never shine, even in prospect, again.

An Honourable Member (Mr. Drake), after a panegyric on the merits of inconsistency, which seemed to be now the only feature and characteristic of superior talents, claimed the right hereafter, notwithstanding his opposition to the present motion, to vote for the entire abolition of all sinecure places. He did not mean to dispute that right with him now, any more than he did the right which he had claimed on a former occasion, to be animated if he pleased; he should only content himself with declaring his satisfaction of being of the number of that dull phlegmatic description of men, who boast of uniformity of principle and practice, which he trusted would ever distinguish those with whom he had the honour and the happiness to act. Gentlemen, who were alarmed with the idea of the novelty of the present motion, he begged leave to remind, that in February 1783, the present Chancellor of the Exchequer moved, in conformity to his Majesty's speech, for leave to bring in a Bill, which was, in effect, but a continuance of that which reflected so much honour on a Right Hon. Gentleman (Mr. Burke). Of precisely the same nature was the present motion, which was not, as asserted by that Gentleman, an attack upon places held for life, but, in the words of the motion itself, referring to certain places: What those should be, which should be the object of the Bill, the Committee alone could decide. Thus the whole of that part of the argument of the Right Hon. Gentleman upon that topic fell to the ground. For these reasons, Mr. Sheridan said, he should give his decided approbation and support to the motion before the House.

Mr. Rose said, "The rebuke for my silence from the Member who spoke last is somewhat unexpected, as the matter in debate appeared to be of a nature more fit to be discussed by persons less interested in the result than myself; but the manner in which I have been called upon compels me to obtrude myself on the notice of the House.

"The Hon. Member has suggested that on former occasions the zeal for reform has led to the suppression of offices, without any consideration whatever for the parties who held them, and has referred to the conduct held on those occasions as inconsistent with the opposition to the present motion. This observation seemed to be directed most immediately to a Right Hon. Gentleman*, better able, beyond all comparison, to vindicate himself than I can pretend to be; but as he has already spoken in the debate, I cannot, after hearing this observation, resist calling the attention of the House to the

* Mr. Burke.

fection of the Act generally known by the description of Mr. Burke's Bill, which expressly provides that compensation might be granted to persons who should be deprived of their situations, or impaired in their incomes by the regulations made under the authority of that Act; in consequence of which, ample compensations had been made to a very large amount. The Right Hon. Gentleman has also chosen to suppose, that the language now held by the same Right Hon. Gentleman, respecting the right of the Crown and the controuling power of Parliament, is inconsistent with the principles of which he formerly boasted. I need only remark, that the right of the Crown to apportion, in the first instance, salaries and rewards, had never been denied by the Right Hon. Gentleman alluded to when subjects of this sort had before been under the consideration of the House, nor was it now meant to dispute the general controul of this House, as to the proportion or amount of what individuals should receive for their labours, if, on consideration, the case appears, in their discretion, to call for the exercise of such power.

"The warmth expressed by the Hon. Gentleman respecting the immense sum acquired by a Noble Duke, lately deceased*, from an office held by him, was not called for, as the income of that very office in future had been regulated by Parliament, and reduced to that fixed amount which, on full consideration, was thought to be reasonable. The Hon. Gentleman, however, could not be ignorant that, although the emoluments of the office were large, they arose from known and established fees, and were legally due to the possessor of it; and he might perhaps have recollected another employment† (also reformed at the suggestion of the Right Hon. Gentleman, whose conduct he has animadverted upon) from which a large fortune had been acquired in a manner not altogether so unexceptionable as in the other instance; and he could not be ignorant that no such acquisition can in future be made in either of the situations, or indeed in any other under Government.

"The Hon. Gentleman had complained that the subscriptions for the internal defence of the country have hitherto been confined mostly to placemen. It is a whimsical objection to come from one who contends that persons of that description should ever be compelled to contribute more than other subjects of the country; that what they have already voluntarily shewn a disposition to give, is too much. He really seems desirous, in that respect, to put them in a worse situation than

* The late Duke of Newcastle.

† That of Paymaster General.

the unhappy people of France, who had at least an opportunity given them by their rulers of subscribing to a voluntary loan before they are compelled to contribute to a forced one *.

"In this debate, as well as in former ones on the same subject, much has been said of the large amount of the incomes derived by persons from offices and employments; the state of this question is, however, considerably changed since it was last under the consideration of the House. Some of the circumstances bearing upon it, Gentlemen cannot be particularly informed of, and others are not likely to be in their recollection; — a concise statement of them will shew that important savings have been effected in the public expenditure, as well as great retrenchments of unnecessary employments under the Crown.

Under Mr. Burke's Bill in 1782. Suppression of Offices under the Crown.

Offices above £500 a year.		Offices under £500 a year.	
No. 37	£43,600 a year	No. 97	£13,900 a year.
37	£43,600 a year.		
97	13,900 a year.		
<hr/>		<hr/>	
134	£57,500		

Under Regulations of the Treasury, confirmed by his Majesty.

Offices above £500 a year.		Offices under £500 a year.	
No. 3	£2,156 a year	No. 141	£11,469 a year.
3	£ 2,156		
141	11,469		
<hr/>		<hr/>	
144	£13,625		
Mr. Burke's Bill	134		£57,500
Subsequent Regulations	144		13,625
<hr/>		<hr/>	
278		£71,125	

Employments substituted or created to do the Business of those suppressed.

Above £500 a year.		Under £500 a year.	
No. 5	£3,538 a year.	No. 57	£7,371 a year.
5	£3,538		
57	7,371		
<hr/>		<hr/>	
62	£10,909		

* Vide Lord Marnington's Speech on the 21st of January 1794.

Offices suppressed	-	278	-	£71,125
Do. substituted or created	62	-	-	10,909
		<u>216</u>	-	<u>£60,216</u>

Exchequer Regulating Act in 1782.

* The principal Offices of the Exchequer had emoluments in time of war to the amount of } £45,300

They are now regulated as follows, as they fall in :

Auditor	-	4,000	
Four Tellers	-	10,800	
Pells	-	3,000	
Establishments in lieu			
of Chamberlains,		1,000	
&c. about			18,800
			<u>£26,500</u>

The two Chamberlains, Tally Cutter, and the Ushers' employments are suppressed after the death of the present possessors.

Pensions.

In 1783, exclusive of foreign ministers	-	£111,583
In 1794, exclusive of Do.	-	£74,721
Deduct Parliamentary	£4,557	
Contingent, not now payable	1,197	
	<u>5,754</u>	68,667
		<u>£42,916</u>

Auditors of the Imprests.

Average value of their incomes for 3 years, including		
Deputies, Clerks, &c. previous to the abolition of		£44,241
their employments.		
Five Commissioners for auditing public accounts,		11,500
Clerks, Incidents, and all expenses		<u>£32,741</u>

The late Auditors have £7000 a year each (as a compensation for the emoluments of which they were deprived) during their lives.

Sinecure Offices in the Customs.

Vacant since 1784.	Will fall in as the Possessors die.
No. 38 - £10,600 a year.	No. 86 - £38,403 a year.

* Vide Reports of Commissioners of Public Accounts.

Arrangement

Arrangement of Excise Officers in 1789.

There was then a reduction of officers and salaries as follow :

No. 765 - - - £12,345 a year.

"A saving to the above amount was effected, notwithstanding the salaries of the remaining officers were considerably augmented, to put them more out of the reach of temptation, and to enable them to live without being corrupt. An increase of officers necessarily took place when the tobacco duty was put under the management of the Excise. But there are still between four and five hundred fewer officers than there were in 1784, although the amount of the revenue is nearly a third part more.

"These were all actual reductions, the benefit of which to the Public is clear and apparent ; but there are other measures of still more importance, whether considered with relation to the public purse, or to the influence of the Crown and its ministers, particularly during war, and therefore so connected with the present question, as to render some allusion to them not improper on the present occasion.

"In the last war, from 1776 to 1783, inclusive, there were loans to the amount of £72,815,000 in money. These loans were all of them settled by a private bargain between the subscribers and the minister, and distributed as he thought proper, without affording an opportunity for competition, and consequently without taking the chance of obtaining the cheapest terms for the Public. The profits to the subscribers were various : During the first three years they were very small, not however because the bargain was favourable to the Public, but because the loans were distributed to persons, many of whom had not the means of making deposits ; which consequently led to large sums being carried suddenly into the market, and the value being depreciated. The loss to the Public however, from the want of competition, was equally mischievous. From 1778 to 1782 inclusive, the premium in a few weeks after the opening (as soon, in short, as the market revived from the depression of the first sales) fluctuated from 11 to 13½ per cent. It has been the uniform conduct of my Right Honourable Friend, in all the occasions of this nature, which have occurred since he has been in administration, to invite public competition. The agreement has always been made with the lowest bidders. Government have had nothing to do with the distribution of the loan, and the subscribers have received only a moderate *bonus* in the present year, hardly more than from one to two per cent. In this view of the subject, it is an extremely moderate calculation, to suppose the bargains made under the new mode of disposing of the loan to the persons

who shall at a public bidding, in the presence of the governor and deputy governor of the Bank, offer the best terms to be effected, at the rate of at least 6l. per cent more to the advantage of the Public than under the old. On that calculation there is a saving on the loan of this year (amounting to eleven million) of 660,000l.

"Lotteries have for many years past also been disposed of in like manner, to the highest bidder, and from that source a profit has been derived to the Public of 265,000l. a year, on the average of the last eight years.

"The usual profit on lotteries in times of peace formerly, when treated for separately, was 150,000l. An advantage from this source therefore has been derived to the Public to the amount of 115,000l. a year.

"Loans were however not the only means ministers had made use of in former wars, for the benefit of such individuals as they chose to select. Contracts and commission business were another fruitful source of favour and influence.

In the last war there was paid to persons	}	£ 37,122,000
under contract and on commission		
Of which on commission		12,734,000
		<hr/> £ 4,388,000

The sums paid to persons executing	}	£ 190,000
the business on commission		
Supposing a profit of 5l. per cent on the	}	219,000
remaining 4,380,000l. which is probably much below the truth		
		<hr/> £ 409,500

which is something more than 80,000l. a year on the average, including the low years at the beginning of the war, consequently considerably more at the end of it.

"In addition to all these actual savings and economical measures, other important advantages have been secured to the country within the period alluded to, by the public expenditure being lessened, to a degree extremely difficult to calculate in time of war, under the present mode of auditing the public accounts,

In 1783 there was money unaccounted for, which had been issued to principal and sub-accountants within 20 years preceding, to the amount of	}	£ 171,000,000

Of which there has since been accounted for, the sum of } £35,000,000

And balances paid into the Exchequer by accounts to the amount of more than } 800,000.

“ Unfortunately, in former periods, persons were very seldom called on to render accounts of sums, however large, issued to them: But if at any time they were, or they chose voluntarily to bring their accounts in, the examination was of a nature entirely different in all respects from the present practice; and it is perfectly certain, that if the accounts above referred to, had been audited, while the accountants themselves could have been made amenable, infinitely larger sums would necessarily have been recovered. It may also be fairly insisted upon, without danger of contradiction, that the expences of the last war would have been infinitely short of what they were, if the persons to whom the money was issued, had been under an impression that they were to render a strict and immediate account of the same.

“ In the war we now are engaged in, the accountants are aware, that immediately after the service in which they are employed shall be over, they must not only deliver in a clear, distinct, and particular account, on oath, of every sum of money issued to them; but that they will themselves be subject to a strict examination before the Auditors, if necessary, respecting every *item* therein. Added to which, there is this manifest advantage at present, that instead of several accountants with the armies, most of them military officers, as in former wars, the expenditure is confined to one civil officer with each, on whom these are effectual and immediate checks, the staff of the armies being thereby relieved from every thing that could distract their attention from their military duty, and a profuse expenditure guarded against; in mentioning which, it is but justice to a gentleman*, who has the most important charge of this nature, to say, that he has, in the discharge of every part of his duty, exceeded even the most sanguine expectation entertained of him by those who were best acquainted with his strict integrity, and with his abilities in the line in which he is employed; and that, as far as a judgment can be formed of the other commissaries-general from their conduct hitherto, they are also likely to discharge their several duties with great credit to themselves, and with infinite advantage to the Public.

* Mr. Brook Watson, Commissary-general in Flanders.

*Recapitulation of Savings.
The Civil List.*

Suppression of offices	£60,216
Reduction of pensions, including even the parliamentary and contingent pensions not now payable	37,162
	<hr/> £97,378

Public Revenue in War.

Exchequer offices	£26,500
Auditors of the Imprest	32,700
* Sinecure offices in customs	10,600
Arrangement of Excise offices	12,600
Loans	660,000
Contracts	50,000
	<hr/> £781,800

Not reckoning any thing for the saving by the new mode of accounting.

In Peace.

Exchequer offices	† £5,000
Auditors of the Imprest	25,000
Sinecure officers in customs	10,600
Excise officers	12,000
Contracts	50,000
Lotteries	‡ 115,000
	<hr/> £172,600

“ Having thus stated plainly, and without exaggeration, the measures which have been adopted by Parliament, and by the Executive Government, in the course of the last ten or twelve years, as affecting the public economy and expenditure, the House will, by reverting to the statement made, be able to draw a clear inference as to the effect likely to be produced by the influence of the Crown, about which much has been said in this and other debates lately.

“ The appointment of two hundred and sixteen officers under his Majesty, with salaries to the amount of more than 60,000l. a year, of which thirty-five were worth 500l. a year, and upwards.

* Will be 49,000l.

† Will be much more when the Usher and Chamberlain falls in.

‡ In time of war these profits used to be mixed with the Loans:

“ For-

"Forbearance of granting pensions to a certain extent, the amount of which is reduced in the last ten years 37,000*l.* a year, although the restriction on granting them under the Civil List Act ceased in 1789.

"The patronage of the offices of Auditors of the Imprests, reversions of which might have been granted, as both were open.

"Thirty-eight offices in the Customs, from 100*l.* to 1,200*l.* a year each, now actually vacant, amounting on the whole to 10,600*l.* a year, and the patronage of eighty-six more, to the amount of 38,400*l.* as they shall fall in. These were places executed by deputy, and consequently sinecures in the strictest sense, which were usually given to the relations, private friends, or political dependents of former ministers. The submitting to Parliament an Act for the positive abolition of these, has been deferred only from the consideration being much connected with the suppression or regulation of fees in the Customs; on which subject, notwithstanding the utmost pains and industry, no satisfactory system has yet been digested. But the benefit to the Public, and the reduction of patronage, have not been postponed, because (as I have already mentioned) the offices which have become vacant have not been filled up.

"Excise Officers to a certain amount in number and value, on which, however, it is not meant to dwell, because little influence could at any time have arisen from that department, the patronage, such as it is, resting with the Commissioners.

"Loans and lotteries afforded powerful means of influence, which must be obvious to every one, especially to those who recollect the practices in last war, so frequently animadverted upon in this House. Contracts and commissions were not less important in furnishing opportunities of conferring favours, and they were at least as mischievous in their consequences as loans. These are also put an end to entirely, by an arrangement lately made, under which the Commissioners of the Victualling purchase every article of provision for the garrisons, forces, and settlements abroad; and the Commissioners of the Navy procure other stores, and take up transports, &c.

"There does not now exist a single beneficial contract for the service or supply of the armies; and the only civil appointments are Commissary General and Commissary of Accounts with each (with deputies and assistants under them), who are restricted from deriving the smallest advantage whatever from their situations beyond their fixed pay.

"The only remaining salutary measure which can (with a view to economy and preventing abuses) be thought of, will be
ever

very shortly submitted to this House. It respects the future management of the land revenue of the Crown, and will put an end to the influence heretofore derived from bestowing beneficial grants or leases, at the same time that it will secure a great improvement in that property. It is but just, however, to observe, that the present minister had withheld all grants and leases for many years, till the restrictive arrangement should take effect; and that in this instance also, the reduction of the means of patronage has not been postponed, although the formation of the system to be proposed to Parliament necessarily waited the result of a long and laborious investigation.

"If the House should be impressed with the important advantages arising from measures already taken, it must be for their consideration how far it may be proper to adopt those now proposed, which would annihilate the few remaining sinecures held by persons in possession of official employments, and greatly reduce the latter by whomsoever held. It is with a view of assisting that deliberation, that, called upon as I was, I have troubled the House with a detail of the economical regulations which have been made subsequent to Parliament having, after long and attentive investigation, sanctioned the leaving certain sinecure offices as just rewards either for persons themselves who should deserve well of the Public, or for their families. The point was fully discussed when the Legislature passed the Act for regulating the offices in the Exchequer already alluded to*; and, at a later period, the House of Commons proceeded on the same principle in reserving to the Regent a power to provide in that manner for any person who should take the office of Lord Chancellor. And notwithstanding the great difference of opinion at that time on most political questions, this proposal was universally approved.

"It will perhaps, however, be contended, that abuses in bestowing sinecure places may justify the exercise of the discretion and controul, admitted, in the course of these observations, to belong to Parliament; with a view to which, it will be right to refer to the existing grants of that nature. One office of this nature is held by a Right Hon. Gentleman near me, on which if it is necessary that any thing should be said, I feel that I am the last person who can with propriety dwell upon it. I shall, therefore, pass that by altogether.

"In the Exchequer the best office has been given to a Noble Lord, whose merits with his country are far above any praise I can bestow on them. To this House it cannot be necessary to

say much in justice to his character, as the Noble Lord had received an unequivocal proof of its good opinion, in being selected here to fill one of the most honourable situations a subject of this country could be placed in; which circumstances of a public nature alone could have induced him to quit, in order to accept another of unremitting labour and attention. Whatever in other respects may be the difference of opinion between political parties, yet on his abilities, his integrity, on his indefatigable perseverance in the important and difficult duties of his employment, there are not, I believe, two opinions in the House, or in the country. In mentioning this it is right at the same time to observe, that the Noble Lord will derive no addition to his income from the appointment so long as he shall continue Secretary of State.

"The second office in point of value is held by a most respectable Gentleman*, who had great public merits, and on whom a pension had very deservedly been bestowed for his active public services, as well as to compensate him for losses and disappointments in his profession. The giving the office therefore, in lieu of that, could not but be right.

"Of the Tellers employments one is held by a Noble Marquis†, given in reversion to him for the very long and eminent services of his father‡: Another by a Noble Lord of eminent abilities, granted to him long after he had accepted the Great Seal, as a provision when he should retire; and the remaining two are possessed by sons of former Chancellors.

"Of the few remaining sinecures, almost all might be justified on the same ground. Allusions had, however, been made to those held by myself, in so pointed and particular a manner, by the Gentleman who spoke last, as to justify, I hoped, my taking up a little of its time separately on that subject. When I accepted, several years ago, the Secretaryship of the Treasury, I made no condition or stipulation whatever, although I gave up a considerable income to take an employment which I certainly did not seek. On quitting it in a few months, I had no immediate provision, or a very near prospect of one, which induced my Right Hon. Friend, when I returned to it, to seize the first opportunity of giving me, in a manner which added infinitely to the favour conferred, a sinecure in the Court of Exchequer of too rising a value to have attracted attention in almost any other case. With respect to the other patent office I held, the manner of its being bestowed was highly flattering and honourable to me, as I was originally

* Col. Barré.

† Lord Buckingham.

‡ The late Mr. George Grenville.

brought under his Majesty's notice, as deserving his favour with a view to this office, by an Address of the other House of Parliament, in consequence of having been employed laboriously in their service many years before, I came first into the Treasury; and, I am persuaded, there would not have been a comment on it, if I had not since been placed in a political situation. The House is now fully informed how I became possessed of those employments, the number and value of which have been so much exaggerated in this debate, as well as out of doors.

"I trust I have made it appear to the satisfaction of the House, that great reforms have been already effected. I am myself perfectly convinced, that it is hardly possible for them to be carried further; and that nothing essential, or of importance, remains to be done. And an opinion prevails pretty generally, that in the case of patent offices the emoluments are as sacred as any other species of property, in which case it will remain only to be considered, whether the salaries of efficient officers are too high in proportion to the labour and responsibility attached to them; otherwise there seems no reason why they should be taxed in preference to any other species of income. And if the principle now laid down should be adopted, a tax might as well be levied on the profits of a theatre, or of a man who carried a shew about on his back, as on the fair and moderate salary of a man in a public employment. It seems clear that the income of a Gentleman, who may devote his abilities and his best application to the service of the Public, should, if he is not over-paid, be as safe from further taxes (paying in most cases a fourth of it already) as the profits gained in the several professions of the law, physic, &c. especially in times of difficulty, when the labour and responsibility of persons in arduous situations are increased. Nor (if the measure is considered on the ground of policy) does it seem to be wise to create a temptation to persons in offices to put a hasty and improvident end to a just and necessary war, by reducing their incomes during the continuance of it, any more than to leave an inducement for the carrying on a contest improvidently, by allowing higher incomes in war than in peace, although it is not likely that those who now fill the departments of Government, or those who may succeed them, will be influenced by such motives.

"I will only observe further, that the Hon. Gentleman who brought forward the present question, was entirely mistaken in supposing that I looked angry when he talked of a person accumulating sinecures and pensions. His motion could not excite either resentment or anger in my mind. And it occurred

curred to me, that he might refer to a Right Hon. Gentleman near him, who, I believed, had as many sinecures and pensions as any man in this country*.

Mr. Fox admitted that he did hold a sinecure place, but not more. He was, he acknowledged, one year Clerk of the Pells in Ireland; and, in accommodation to the Government there, upon an improvident bargain, he gave it up, and accepted a pension in lieu of it, divided into two parts; but why it was called two places he did not comprehend. The place had not been granted to him, but was given by King George the Second to his father, for services done to Government: It was enjoyed by his father, afterwards by his brother, and then it devolved to him as part of his inheritance.

Mr. Fox proceeded to state his opinion as to the motion, which, he said, was different from that of his Hon. Friend, however he might agree with him in the necessity of adopting such a plan at the present unfortunate juncture. He thought the motion applicable to the times, and therefore he should support it. The sacredness of property was to be determined by a general view of what might be considered property, and not by any degrees. Pensions and sinecures held by patent were as much property as any other possession; and the principle of property was so sacred, that no argument of degree could for a moment be admitted as ground for trenching upon it. Where his Majesty had a right to grant a place for life, ministers might be made to answer for giving it to an improper person; but the grant, if legally made, was good. A very large proportion of the property of the kingdom would be found in the same predicament, particularly that of a Noble Relation of his (the Duke of Richmond) and several others, none of which, it would be thought, could be invaded; and if they were to look into the grants of the Crown, the greatest part of the landed property of the kingdom would be found resting on that security. For this reason, if the Bill should ever go to a Committee, he should expressly be for exempting all sinecure places granted for a term of years, because he would not allow an infringement on property in the first instance. *Principiis obsta*. He did not think, however, when ministers were attempting to raise supplies in a new and unconstitutional manner, that it was unbecoming in any Member of that House to call on persons holding great offices and

* This was explained to allude to *Mr. Fox*, as holding the Receivership of Wales by patent, and two pensions, one of 1000*l.* and another of 700*l.* a year, for thirty years, in lieu of two separate and distinct offices in Ireland, which he resigned in 1775 to Lord North.

places under the Crown, to shew their zeal by a voluntary surrender of some of their official emoluments.

Gentlemen, who would give themselves the trouble to investigate, would see that the propriety of the Bill proposed arose from the new mode of raising supplies by way of subscription. When ministers went out of the legal road for means to support the measures necessary to the war, and justified their doing so on the principle that it animated the people, and excited zeal in the cause, it surely could not be deemed inexpedient to call on those for aid whose business it peculiarly was to manifest zeal, and exert every effort in the maintenance of the war.

Mr. Fox said, he should not take any notice, because it had been so fully answered already, of the monstrous proposition made by a Right Hon. Gentleman (Mr. Burke), that the Crown was to be the sole judge of the merits that called for reward, or the quantity of reward that was to be bestowed. If the proposition itself, which the motion before the House stated, had been brought forward during a time of peace, he should have his doubts how far it would be expedient; but, under the existing circumstances, he considered it a fair and prudent measure, as tending, in common with the subscriptions which have been promoted, to evince the zeal of the objects of it in common with the rest of the kingdom.

The conduct of the two Secretaries of State furnished him with an additional argument in favour of the measure. He did not mean to say, in respect to the one, that 4000l. a-year, as Treasurer of the Navy, was too large a recompence for his services, in addition to his place of Secretary of State; but he himself had admitted the principle, when he fairly resolved not to take the salary but of one, and not of both places. In like manner, with regard to the other Noble Secretary, who had relinquished his salary as Auditor of the Exchequer. But if they thus relinquish such considerable salaries, what becomes of them? Why should they not be applied to the benefit of the Public? The fact was, that the whole transaction was nothing better than a manoeuvre, and instead of benefiting the Public, the amount of those places reverted back to the Civil List, which was a mode of adding to the Civil List without the consent of Parliament, and all that was thus saved to the Civil List became the means of extending the influence of the Crown in the hands of the ministers of the day, which influence, upon a comparison with what it was in 1782, would, he believed, be found to be much increased. Thus the Public were deceived with the appearance of saving, and consequent benefit,

next, when, in fact, the Public gained no more than they would have gained if those salaries went to their original destination. He was decidedly of opinion, that, upon the whole, the efficient offices of the country were not paid over-much, and that what they got might be necessary to their support or reward.

With respect, however, to certain great officers, such as First Lord of the Treasury, the two Secretaries of State, &c. &c. it was to be remembered, that when the present Chancellor of the Exchequer was formerly in power, one of the last acts of that Administration was to record a minute in the Treasury office, that in future those offices were to be reduced in their salaries; the first to 5000*l.* a year; the two second to 4500*l.* each. It was true, that when he (Mr. Fox) came into office, Administration, not thinking that principle a wise one, did not adhere to it; and upon their going out, and the Right Hon. Gentleman again coming into place, it should appear that he also thought better of it, because he did not think proper to return to his former regulation. By what they did upon that occasion, however, they left, as it were, their last dying act upon record in favour of the reduction.

With regard to the nice calculations of the reduction of influence by means of the reformation boasted by the Hon. Gentleman (Mr. Rose) to have been effected in the Treasury, although the question was not properly before them, he would put it on its proper footing, and then see how it stood. The advantages to be hoped from such a reform were founded on principles not so much of economy as of influence. This being the case, he desired the House to compare the influence before with the influence as it existed at present; and though Great Britain and Ireland were more distinct than formerly in some instances, that man, he said, knew but little, who did not know that the influence of the Crown then extended itself to Ireland, and it could not be denied that influence in either kingdom served mutually to strengthen the hands of Administration.

The situation of India, likewise, with respect to the subject of influence, would be found another splendid exception to the Gentleman's proposition. There were some general topics, that applied to the present question, which he could not avoid taking notice of. One Gentleman had asserted the flourishing state of this country. This was a language which must be considered as harsh and grating to the ears of those who were labouring under the burdens occasioned by the present singular concussion of events. It was doubly insulting, as coming connected with a Budget, which added 900,000*l.* fresh taxes upon

upon the subject. Was it in that addition of taxes that the people were to look for the proofs of the flourishing state of our affairs? except perhaps in their ability of bearing such an increase of burden. It might possibly be said, that some of this burden was of a nature in itself beneficial, as containing regulations highly salutary. This might be true with regard to spirits; there, however, if the benefit was certain, the tax must be as certainly inefficient; and so *vice versa*, if it should be productive by the quantity consumed, what became of the benefit to the lower orders? Allowing however, for the moment, that this regulation was generally beneficial, was even that plea of benefit applicable to the others? The increase, for instance, on sugars; what could it be called, but completely burdensome upon even the lowest orders, where tea, from habit, was to be considered among the absolute necessities of life? It had been likewise stated, that our commerce was in a flourishing state: How was that to be proved? Not by a comparison between the present and former wars (although even there the argument would fail, the last war perhaps alone excepted), but by taking our situation in the present war, as compared with the years of peace immediately preceding, together with the similar analogy in former wars. In this true way of considering this subject, he was sorry to say, we should find no cause of triumph.

The state of manufactures was likewise made a ground of exultation; and it was asserted, that Norwich was constantly lugged in as an exception to the assertion. In point of fact this was not true; but if it were, the reason was obvious, because Norwich had been a principal victim to the baneful effects of the war. It was not, however, to that place alone that they were confined: Look throughout Yorkshire and Lancashire, and will it be denied that distress, the most poignant, reigns universally through those manufacturing counties? Whether this distress was fairly owing to the war or not, it certainly was not decent to state them as if they were in a very flourishing situation.

With respect to the disposition of the various places in the gift of the Crown, Mr. Fox said, he did not mean to question the propriety of any individual gift, but should content himself with observing, that the whole administration must be of the most meritorious description to deserve, in any degree, the accumulation of places with which they have been loaded. He agreed, that when a minister serves his country, with the approbation of the King and that House, (indeed the latter was wanting in one solitary instance, which he hoped never to see repeated,) it was highly fitting that his labours should be
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amply

amply and liberally rewarded; and it was upon this principle that he had in some degree opposed a Bill formerly brought in by Lord John Cavendish, for abolishing the offices of the Tellers of the Exchequer, because he conceived it but reasonable, and beneficial to the true interests of the country, that the Crown should have it in its power to reward such of its servants as should serve with ability and fidelity; but when war pressed on us with all its train of difficulties, when all parts of the country were called upon, almost with threats, to subscribe towards defraying the expences, he thought it reasonable that those who involved the country in such difficulties, and who were the first to call upon the people individually for support, should themselves begin, by setting the example which they wished to be followed.

In like manner too, he was of opinion, that the charges attending the carrying on of our government were not inordinately expensive, because though compared with some they might appear large, yet, taking the whole of human affairs and human reasoning with us, they would be found as reasonable as could be expected. It was not nevertheless an argument, that, because perfection was not attainable, it was not to be attempted; in striving to lessen some of the evils, a great deal of good was to be attained; in striving to lessen some of the expences, much benefit was to be derived.

It had been said, that the present mode of negotiating loans was likely, in time of war, to save 500,000*l.* for the Public; it should however be remembered, that this mode, promising as it might be, had been tried for only two years; and, though it had been successful in the last, it had led, in the first, to a very improvident and disadvantageous bargain. To repeat the names of those who would have given better terms, would be only to mention some of the most respectable inhabitants of this metropolis. Consols, it was certain, would have been taken by these persons at 75, instead of 72, the price given.

For the reasons which he had stated he should vote for bringing in the present Bill; and, lest the Bill might never reach a Committee, he would take that opportunity of declaring what regulations he should think it right to propose if it were in a Committee. He should think it but just to exempt every place in which any legal interest could be established. As to the rest, he should propose to examine them office by office, and determine upon their individual merits, how much should be taken from each. In this view only he could agree to the Bill, as thereby it would be founded in some degree on precedent, and as being at this time rendered peculiarly necessary
from

from the circumstance of the subscriptions set on foot. He declared he was himself much attached to old practices, but, if driven to it, he must apply to new remedies.

Mr. Fox said he could not conclude without doing some justice to his feelings by taking notice of some expressions which had fallen from a Gentleman relative to the property made by his father, as Pay-master of the Forces, coupled with a statement of the immense deficiencies which remained unaccounted for in the Pay-Office. He appealed to the House whether it was fair and candid to unite these two circumstances together, so as to make them appear connected, without stating one solid ground for any thing like serious accusation. If the Hon. Member meant such insinuation, he would reply, that it was not founded in fact, and he would defy him to the proof; but he did not believe he meant any such thing. He ought however to have considered how deeply he wounded the feelings of a Gentleman by such insinuations. The fact was certainly true that his father had made a large fortune; it was as true that great and unaccounted deficiencies existed in his office; but it was equally true that such deficiencies were as great and as unsettled under former pay-masters as under him, and with as little cause of imputation or personal blame. Of a disposition generous beyond suspicion, it was easy for him to expose himself to imposition. The case of Lord Chatham himself was a proof that accounts might be long out-standing, without any disinclination to have them adjusted. Without taking any ostensible part in the discussion of the accounts, Mr. Fox said, he certainly had seen the reports on the subject; by those reports he called upon Gentlemen to judge, and desired them not to be led away by insinuations, which he again challenged any man to vindicate or substantiate.

Mr. Rose declared that he did not mean any thing personal. He said, he should be sorry, if he had inadvertently made use of words, which might be supposed to convey a meaning, that it was far from his intention to suggest. What he meant was, that the Right Hon. Gentleman (Mr. Fox) held one sinecure place, and two pensions, in lieu of two employments. That the Right Hon. Gentleman was not then in possession of them, he would admit.

The Chancellor of the Exchequer said, he ought to apologise for rising to trouble the House; he was, therefore, happy in the consciousness, that he had many reasons to relieve him from the necessity of long discussion: One, in particular, was, that, after listening attentively to the Right Hon. Gentleman who spoke last but one, he found it scarcely possible to add to the arguments

guments which the Right Hon. Gentleman had urged against the motion. The only remarks, therefore, he had to take up the time of the House with, or that he thought it at all necessary for him to offer, were in answer to the small part of the Right Honourable Gentleman's speech which went in favour of the motion. To this end it would be necessary for him to premise with precision the real objects of the motion, which were threefold, *viz.* to tax, in different proportions, all places of a certain description, of whatever value, and all sinecures of all descriptions, and every value, together with all pensions and efficient places above a certain value. As to the most important and greatest of the three, the Right Hon. Gentleman had himself admitted that they were legal grants, and had declared that he was against taxing them in any proportion whatever. In this, he said, he entirely agreed with him; for, as a question of property, it must be decided on principles of general right. This was, in his opinion, a truth of practical and universal importance to all property and all rights, and must be, in every instance, decided so, unless arguments of the strongest and most unanswerable kind were specifically offered against it.

With regard to efficient places, the Right Hon. Gentleman (Mr. Fox) had given his decided opinion, that they were neither under nor over paid, but nearly as they ought to be. If this then was the case of efficient places, as regarding them in the ordinary duties in time of peace, the House must at a glance, see how unjust it would be to diminish that pay, and tax them in time of war, when their duties were necessarily increased.

He found it difficult to determine whether the Right Hon. Gentleman was for or against the next point that he had noticed; because the arguments he had used applied to both sides; but, if fairly balanced, were, he thought, against it. Indeed, the Right Honourable Gentleman had said, that the current of his own opinion, and the best of his judgment, was against the motion; though the Right Hon. Gentleman had declared, that it was not strong enough to prevent him from giving his voice in favour of it. In his opinion, the Chancellor of the Exchequer said, the Right Hon. Gentleman would have given a much more efficient support to his Friend's motion by a silent vote, than by the long speech he had made. It evidently appeared, that the principal ground on which the Right Hon. Gentleman had built his defence of the motion, was raising voluntary subscriptions. Here he begged that the House would take along with them the singular nature of the Right Hon. Gentleman's argument; it amounted essentially to this;

"That the Right Hon. Gentleman would support a measure, of which he expressed his disapprobation to-day, merely because another measure had been carried against his opinion yesterday; and would balance the impropriety of raising voluntary contributions in the first instance, by compelling contributions in the second."

The arguments used against voluntary subscriptions, the Chancellor of the Exchequer said, were directly opposite to those urged in favour of the motion, and on the present occasion Gentlemen on the other side acted against their own principles, and had, in the course of the debate, misstated the grounds on which he had argued in support of voluntary contributions on the last night; a moment's recollection would surely serve to convince Gentlemen, that he had contended, that they would be not only a proof of the zeal of the country in the support of the present war, but the means of producing that laudable zeal. The present motion reminded him of an expression used by the French, that they had *amalgamated, forced, and voluntary contributions*: In like manner the Gentlemen in opposition, at the same time that they opposed voluntary subscriptions, wished to make placemen come forward with an offer of a part of their incomes. He conceived, that if the Members in opposition wished to set an example to the people, they might have done it more effectually by manifesting the public spirit they so much boasted of, in their several counties; but the forcing of placemen to contribute was literally *making an example of them*. Thus it seemed that the voluntary contributions of placemen in their several counties was not sufficient, but this *amalgamating* measure must compel them to contribute.

The Chancellor of the Exchequer entered into an ample explanation of the motives which guided the two Right Hon. Secretaries of State, in throwing their rejected salaries into the Civil List. He said, that the masked battery of anonymous publications had long played upon his Right Hon. Friend (Mr. Dundas) with the artillery of *plurality of places*. He had hoped, that "the plurality of labours without its attendant, plurality of emoluments," would have silenced that battery, but unfortunately, he found it otherwise. He would therefore endeavour to put an end to cavil, by saying, that two considerations led him to that distribution.

After Mr. Burke's Bill had passed, the Civil List was barely sufficient for the necessary expenditure, which had since increased from the necessity of providing for the younger branches of the Royal Family; from the necessity of increasing the allowance to ambassadors, which had formerly been inadequate,
and

and from other known causes; so that if there had not happened to have been a subsequent reduction of the Pension List, and an abolition of the salaries of some places, the Civil List would have been insufficient for its purposes, and there must have been an application to Parliament for assistance; therefore it amounted to the same thing, whether the salaries which the two Secretaries of State gave up went immediately to the Civil List, or were accounted for in that House. Eight or ten thousand pounds per annum given to the disposal of the Crown, in addition, was not a subject of alarm; because by the reduction of the Civil List, by Mr. Burke's Bill, all danger of too great an influence had been effectually done away, only sufficient being left for carrying on the business of the nation. He granted that all reform, of a meritorious nature, had not been carried into effect by the present Administration, and every man, competent to judge of the variety of important political events that had taken place, within these few years past, and to weigh their consequences, must know that they had enough upon their hands to engage their immediate attention. But he insisted that, with regard to loans, they were more advantageously negotiated at present than during the American war; by the present mode, there was neither the same danger of influence, nor the same temptation to unfair dealing, in the members of administration. If sinecure places were abolished, if the emoluments of efficient places were too great, the abolition of one, or reduction of the other, should not be merely temporary, but permanent; otherwise the measure would be nugatory, and beneath the dignity of Parliament. The reduction of the salaries of efficient places, would, at this time, when the labour was increased, be particularly improper. With regard to the emoluments of the places which he held through the bounty of the Prince whom he served, he would not attempt so indecent and improper a task, as to discuss the question whether they were or were not disproportioned to his merits; the Public might judge for themselves. He dwelt particularly on the present flourishing state of the country, which he asserted was, comparatively speaking, better than we had a right to expect, all circumstances considered.

As to the other things which had been argued, he would sincerely say, he did not know how to class them under any head of argument to the point in question, being all unconnected desultory answers to suggestions which had fallen from his Hon. Friend (Mr. Rose). The suggestions, indeed, applied to the case, but the Right Hon. Gentleman's answers did not. The retrenchments which had taken place in the

offices and expenditures, as stated by his Hon. Friend, were not, he said, intended so much for a saving, as to decrease the influence of the Crown. They were not so much a system of practical economy as of practical reform,

If the aim of the present motion were a diminution of the influence of the Crown, it must, from its very structure, fall short of that end. To effect a diminution of the influence of the Crown, the manner should be systematic and permanent, and should not profess regulation and reform, when it only meant temporary supply.

The question, he said, resolved itself into this, "Is the measure proposed, a mode of supply unexceptionable in itself, and unquestionable in its effects?" To this he could not be supposed to give his assent, when it had been already allowed, by its chief supporter, to be defective and nugatory; and if modified, as the Right Hon. Gentleman had said he wished it to be, would be so futile, that it would be unworthy the dignity, the honour, and the sincerity of Parliament to entertain it; because it held out false principles, and went to mark out, with an exclusive tax, a body of men who merited a very different distinction and very different treatment.

Great pains had been taken to shew that the country was not in a flourishing state; commerce, it was true, had received a rude shock, but that shock was to be attributed to the great extent of speculation in trade, and the subsequent stagnation of credit; still however, at no former period, in similar circumstances of war, were we in such a flourishing state. In proof of this position, he mentioned a vote, which, he said, he intended to propose the next day in the Committee of Supply, viz. That from the revenue of last year, there was a surplus of two hundred and thirty thousand pounds for the service of the present. He made this digression from the question, that the people of the country should not be discouraged by the present motion, or led to think we had not ample means to prosecute this *necessary war*. If, in the prosecution of it, there could not be any means adopted for the diminution of the national debt, no blame could attach to him on that account. He could not hold out any hope of reducing it within the bounds within which it was at the commencement of the war, but he hoped that the saving, which had been made in the season of a ten years peace, would be a sufficiency for the prosecution of the war.

Whatever the drift of the motion itself might be, the drift of the discussions on it, he said, was manifest; namely, to dispirit and discourage the Public, and damp their zeal in the war. He said this because it was his duty to say it; for he would not tamely

tamely suffer difficulties, either visionary, and altogether groundless, or stated with some artful design, to be thrown in the way of the war, or of the exertions of the executive government.

Mr. Sheridan, in explanation, said, that his arguments had been mistated by *Mr. Rose*, for they went merely to induce the placemen to support the motion. He took notice of an observation of an Hon. Gentleman (*Mr. Rose*), which he should not have known to be intended for wit, if the superior taste of the Gentlemen on the other side had not informed him by their applauses. The Hon. Gentleman had once made that observation before, and in the same neat, terse, classical language, that he had now expressed it. Another Gentleman (the Chancellor of the Exchequer) had, on a former occasion, taken the same liberty: He trusted it would be the last time that there would be any such unparliamentary allusion to the situation, circumstances, profession, or occupation of any Gentleman in that House. He acknowledged that the whole of his property lay in the Theatre. Had he possessed equal abilities, or been equally fortunate, perhaps he might have boasted of something similar to that more substantial and secure income, enjoyed by the Hon. Gentleman.

Mr. Burke, in explanation, entering upon a discussion of his opinions respecting the power of the House of Commons to controul the expenditure of the money which it voted,—was called to order.

The Speaker said, if the Right Hon. Gentleman meant to confine himself merely to any misrepresentation, or misapprehension of his former argument, he had a right to proceed.

Mr. Burke said, that he only wished to enforce, that he clearly and unequivocally acknowledged the inquisitorial right of the House of Commons to sift to the bottom every part of the public expenditure, when any shadow of grievance or abuse seemed to exist—In this opinion he had lived, and in this he hoped he should die.

Lord Hobart rose merely for the purpose of vindicating Ireland from an aspersion of a Right Hon. Gentleman opposite to him (*Mr. Fox*), which, if that Gentleman had at all attended to the recent transactions in that kingdom, he was convinced the Right Hon. Gentleman would not have made. The situation of that country had been greatly improved since 1782. In the last session of the Irish Parliament, some Bills, which had been suggested by the opposition members, had been introduced by the members of administration, which had passed into laws, and were by the people of the country generally thought to be highly advantageous to them. It certainly could not be proved,

proved, that therefore the minister of Great Britain gained influence in the British House of Commons, by creating grounds of additional influence through the medium of Ireland. The measures in that country had been carried with a degree of unanimity highly honourable to every part of its legislature. He reflected with satisfaction upon the part that he had formerly borne in the government of that country, and from that feeling it was that he thought it necessary to rise and refute the aspersions of the Right Hon. Gentleman.

Mr. Fox, feeling himself called upon, simply stated, that his observations were confined to the increased number of offices in Ireland, which he considered to be an undeniable fact.

Mr. Harrison said, that, notwithstanding what he had heard from the other side of the House, he should persist in his motion. The proposition he had offered was justified by the necessity of the times. If the war should continue long, every man's property in the country would be diminished one-fifth at least; then why should not sinecure places contribute as well as every other species of property? The present moment was peculiarly proper for the adoption of this measure. "If you refuse (said he) to accede to it, will not the People say, that it is truly hard that placemen, who are the only gainers by the war, should be exempted from contributing thereto, and that it is not so much their object to promote the welfare of the State, as to screen themselves from contributing to the support of its exigencies? For my part, I avow, that my sentiments are for an abolition of all sinecure places. My motives are pure, and the good of my country is my object. I am surprised to find this measure opposed by Gentlemen on the other side, as I could not think it possible that they, who were advocates for voluntary contributions from private individuals, should refuse to give up part of the money they receive from the Public, in support of what they call a just and necessary war."

Mr. Hussy said, that nothing which he had heard from Gentlemen on either side the House, had shaken the opinion which he formerly maintained in that House, on the debate on Mr. Burke's Bill, relative to sinecure places. He thought then, and he thought still, that no man had a right to a freehold interest in any part of the public money, when that man did not render any service to the State. In his opinion the holders of sinecure places had better give up a part, than produce a convulsion by retaining them. He contended, that the statement made by the Chancellor of the Exchequer of a surplus of the revenue of last year, accruing for the service of the current one, was not a proof that we were in a flourishing situation.

It only proved that our resources were not yet exhausted, which must eventually be the case in a short time, if the minister continued in the practice of borrowing twelve millions annually, which he believed, in his conscience, were misapplied by him; for that the People could not bear unlimited burdens, imposed for the support of an unjust war. He thought the present motion founded in justice, and it should have his support.

Mr. Scrope Bernard said a few words against the motion. The question being loudly called, the House divided :

<i>For the Motion</i>	48
<i>Against it</i>	117

Majority 69

Adjourned.

Minority on Mr. Harrison's Motion, Tuesday, April 8.

Anson, T.	Mainwaring, William
Aubrey, Sir John	Maitland, Hon. T.
Baker, William	Martin, James
Bastard, J. Pollexfen	Milman, Sir William
Bouverie, Edward	North, Dudley
Burch, J. R.	Pelham, C. A.
Byng, George	Philips, J. G.
Colhoun, William	Plumer, William
Coke, Thomas William	Rawdon, Hon. John
Courtenay, John	Ruffell, Lord William
Crespigny, T. C.	Sheridan, R. B.
Curwen, J. C.	Smith, William
Foley, Edward	Speed, Henry
Fox, R. H. C. J.	Spencer, Lord Robert
Francis, Philip	Sturt, Charles
Grey, Charles	Tarleton, B.
Harrison, John	Taylor, M. A.
Harcourt, John	Thompson, Thomas
Howard, Henry	Vaughan, Benjamin
Howell, David	Vyner, R.
Hussey, William	Western, C. C.
Jervoise, C. J.	Whitbread, Samuel, jun.
Lambton, W. H.	Wilbraham, R.
Langton, John	Winnington, Sir Edward
McLeod, Norman	Wycombe, Earl of
Ludlow, Earl	

TELLERS.

Hon. T. Maitland.

M. A. Taylor.

HOUSE OF COMMONS.

WEDNESDAY, April 9.

The Chancellor of the Exchequer brought up a Bill for the better Management of the Land Revenues of the Crown in future, which was read a first time, and ordered to be read a second time on Friday the 11th.

The Chancellor of the Exchequer next moved the Order of the Day, for the House to resolve itself into a Committee of the whole House, to consider further of a supply to be granted to his Majesty. The House being in a Committee, he moved, That a sum not exceeding 475,022l. 13s. 10d. halfpenny, be granted to his Majesty, to make good the deficiency of grants for the service of the year 1793. The resolution passed, and the report was ordered to be received the 11th.

The House agreed to go into a Committee of Supply again on Friday the 11th.

The Chancellor of the Exchequer moved the Order of the Day, for the House to resolve itself into a Committee of the whole House, to consider further of ways and means for raising a supply. The House being a Committee, he said, he had the pleasure to inform them, there was a surplus of 231,000l. and upwards, for the year 1793, applicable to the service of the year 1794, and that there was an increase of the revenue which had principally arisen in the last year, notwithstanding all the difficulties and embarrassments of the war, and also the temporary embarrassments of commercial credit, which arose from causes independent of the war. He then entered into particular sums, and observed, that the state of the revenue was such, that if the other three quarters were equal to that which ended in the month of April, the whole revenue of the year would amount to a sum short only by 100,000l. of the highest revenue ever known in this country in time of peace; such for instance as the year 1792.

After a short conversation between him and Mr. Fox, in which the figures and dates were detailed, the minister moved a resolution,—“That there be issued and applied the sum of “231,841l. 16s. 8d. now in the Treasury as a surplus of last “year, to the service of the year 1794.”—The resolution passed, and the report was ordered to be received the 11th.

Mr. Drake asked the minister, whether any, and what sum, had been received at the Treasury as a legacy from a private individual, for public purposes? He understood there was a legacy of this kind, to the amount of 500l. left by a Gentleman of the name of Wray. He had no doubt of the

the honest and faithful application of it, if it was received. He only wanted to be informed of the fact.

The Chancellor of the Exchequer said, it was not in his power to give the Hon. Member any information on the subject he alluded to, having no knowledge whatever on this point.

Mr. Drake said, he was perfectly satisfied with the answer.

Mr. Dent moved for leave to bring in a Bill for preventing Delays on Elections of Members to serve in Parliament.—Granted.

The Bill to enable the East India Company to continue their Bond Debts, &c. passed a Committee of the whole House, and the report was ordered to be received.

A message from the Lords informed the House, their Lordships had agreed to the Glass Duty Bill; the Bill to indemnify the Governors of the West India Islands, &c. for permitting the Importation and Exportation of Goods in foreign Bottoms; and to several private Bills.

Mr. Wigley brought up a Bill for providing for the Families of Persons who might be drawn by Lot to serve in the Militia; which was read a first time.

Mr. Rolle said, he should propose a clause when the Bill came before the Committee, to remedy certain abuses with regard to substitutes.—Adjourned.

HOUSE OF LORDS.

THURSDAY, April 10.

The Attorney General was heard on the adjourned Cause of *Mr. Bridges*, in relation to his claim to the barony of Chandos. Adjourned the further proceedings to a future day.

INSOLVENT DEBTORS BILL.

The Earl of Moira said, that in the course of the last session he had brought in a Bill, which was dropped, on its being agreed that the Judges should prepare a report upon the subject, on which a new Bill should be framed. No such report had been made; and he now troubled their Lordships, merely to state to them his most anxious wish that it might very shortly be made, when he hoped that some Noble Lord would take up the subject, as, from his present engagements, he should be prevented from doing so. He assured the House, however, that had he been aware that the military operations for which he had held himself in readiness, would have unfortunately been so long delayed, he should, before the present period, have brought the subject forward.

Lord Kenyon replied, that the Learned Judges had not neglected the subject; and he believed he might take upon himself to assure the Noble Lord, that they would very shortly present their answer to the House: And he would also assure the Noble Lord, that, should his military duty occasion his absence at the discussion, nothing should be wanting in him to endeavour at the attainment of that desirable measure, which the Noble Lord had so warmly and laudably undertaken.

HOWARD'S DIVORCE BILL.

The House resolved itself into a Committee, *Lord Suffolk* in the chair.

All the clauses in the Bill, except that for bastardizing the issue of Lady Elizabeth Howard subsequent to the 24th of July 1793, were agreed to. When that clause was read,

Lord Kenyon, after paying some compliments to the Noble Families who were unfortunately concerned in this unhappy business, added, that he had no reason to believe that the report was true of Lady Elizabeth being forced into the match, at least no such circumstance came out on the trial, which was held before him. His Lordship argued at some length against the clause for bastardizing the issue; contending, that if a child should be born within nine months after she left her husband's house, how could their Lordships reconcile it to themselves to bastardize that child? His Lordship said, that after the child was born, the legitimacy of it might be investigated in a court of justice, and the parties themselves might be examined, so as to ascertain the fact. It was so easy to proceed in this manner, that, his Lordship said, he should feel himself bound to give his negative to the clause.

The Duke of Norfolk rose on the part of Mr. Howard, and declared that he was certainly very much aggrieved in this case. He had not, he said, drawn the clause without foreseeing the objections that might be made to it, and he was prepared to meet them. He did not wish that the lenity of the laws of England, which established it as a maxim that it were better for many guilty to escape, than that one innocent man should suffer, should be broken through on his account; but here the guilt was sufficiently established, and he could prove the non-access of Mr. Howard for some time previous to the 24th of July. He had a letter from Mr. Howard to Lord Fauconberg, in which he complained of the unhappy difference that subsisted between him and his lady, which existed to such an extreme, that she had denied him that intercourse upon which this clause now depended. If necessary, his Grace said, he would read it to the House; he hoped, however, that delicacy and feeling for family misfortunes would induce the House

House to excuse him. In order to remove all difficulties to the clause, the Duke moved, by way of amendment, that instead of the words, "24th of July last," the "24th of April instant," should be inserted.

Lord Auckland opposed the clause, and contended that the precedent, which, if it passed, would be established, must be highly dangerous. He denied that the act stated by the Noble Duke at all applied to the present case; and defied any man to adduce a precedent of any Bill having passed to bastardize a child unborn.

The Lord Chancellor opposed the clause on the same grounds, and said, that the case of Stewart was not in point, for in that case the child was born full twelve months after the lady had eloped from her husband, and during the whole of that time he had been in Ireland and she in England; and that, even under those circumstances, the clause did not pass without considerable debate. His Lordship advised, that a further day should be taken, that his Grace might have time to consider the propriety of persisting in his support of the clause; and that in the preamble it might be omitted, that the lady was pregnant at the time she eloped from her husband.

Earl Stanhope proposed to adjourn the Committee to a future day.

The Duke of Norfolk was about to reply, and was proceeding to read the letter to which, in the course of the debate, he had alluded, when

The Bishop of Rochester moved, "That the House be cleared;" and

The strangers were ordered to withdraw, and were not re-admitted. The Committee, after further debate, was adjourned until Monday the 14th.

HOUSE OF COMMONS.

THURSDAY, April 10.

The Ashby-de-la-Zouch Canal, Stafford Shire-Hall, Camel and South Kelsey Inclosures, Newcastle, Bedford, Burford, and Dunchurch Roads, and Peachey's Estate Bills, were read a third time, and passed.

Mr. Balford brought up a Bill for the protection of the woolcombers in their trade, against the use of a machine invented for combing wool. The Bill was read a first time, and ordered to be read a second time on Monday, and to be printed.

The Bill for exempting certain Classes of the Poor in England from labouring upon the Highways, was also read a first time, and ordered to be read a second time on Monday, and to be printed.

Mr. Dent brought up a Bill for further preventing of Delay in the Elections of Members to serve in Parliament. It was read a first time, ordered to be read a second time on Monday, and printed.

BOARD OF AGRICULTURE.

Sir John Sinclair stated, that he had a Petition to present from the Board of Agriculture; but the time limited by the order of the House for receiving petitions being elapsed, he found it necessary to lay grounds before them to induce them to receive it. Those grounds were, that it was found impossible to prepare the petition in time; and the urgency of the case forbade its being postponed to another session. He therefore moved, that the petition should be brought up.

Which being agreed to, the petition was brought up, read, and ordered to lie on the table.

The Bill for establishing a Court of Judicature in Newfoundland passed a Committee of the whole House, and the report was ordered to be received to-morrow.

EAST INDIA COMPANY.

The Chancellor of the Exchequer moved the Order of the Day on the Bill to enable the East India Company to continue their Bond Debts; which being read, he then observed, that it was not probable that his Right Hon. Friend (*Mr. Dundas*) could attend that day; he should therefore suggest to the Right Hon. Gentleman (*Mr. Francis*) the propriety of his making his observations on this Bill in the present stage, as possibly there might be some Members in the House who might be able to afford him some answer.

Mr. Francis said he was sorry for the absence of the Right Hon. Gentleman. He had only one or two questions to put; he did not mean to go into the merits of the Bill before the House, nor at present into any question on the affairs of the East India Company. The Chancellor of the Exchequer, and by him the House of Commons, stood pledged by the terms of the loan, to the subscribers, that no more money should be raised on the public credit (except the Exchequer Bills, which the subscribers knew of) for the present year, than that loan; he wanted to know whether at the time of the Right Hon. Gentleman's negotiating this loan, he told the subscribers to it that it was his intention to allow the East India Company to borrow this money; if

if not, he conceived this to be a breach of faith with the subscribers to that loan, who undoubtedly ought to know at the time they made their bargain, the extent to which the credit of the Public was pledged. There was another thing on which he wanted information; and which information the minister could give him if he pleased, although not before the House, and which, if he was rightly informed, was against law. There was a sum, he was told, now raising in this country for the Irish, and that to the amount of one million. Of an intention to do this, also, the subscribers to the loan ought to have had notice; and if they had not, it was a breach of faith to them.

The Chancellor of the Exchequer said, that not a single word in the proposal of the loan had the most distant reference to alter the one or the other of these objects.

The report of the Bill was then received. On the question for engrossing the Bill, Colonel M'Leod said, that the minister had not given any satisfactory answer upon this subject.

Mr. Francis said, he had solid grounds now for believing that nothing passed in the transaction of the loan that gave the subscribers to it any idea that this loan was intended to be made.

Mr. David Scott said, there was a misunderstanding in this case. Neither the one nor the other of the Hon. Gentlemen (Mr. Francis and Col. Macleod) seemed to understand any thing of the purport of the Bill, or they would not say it was a loan for the East India Company. The East India Company made no loan by this Bill; it was only a Bill to enable them to continue their bond debt at 2,000,000*l.* instead of reducing it to 1,500,000*l.* which they were before bound to do; and to issue bonds for a sum of money if they had a necessity for it. It did not appear to the House that there was any such necessity.

Mr. Francis said, this was the first time he heard that issuing bonds for the payment of money was not a loan.

Colonel M'Leod made an observation to the same effect.

The Bill was then ordered to be engrossed, and to be read a third time on Monday, if then engrossed.

LORD NEWBURGH.

Mr. Hobart brought up the Bill, to enable his Majesty to grant certain estates in fee simple, which had been forfeited by certain persons named in the Bill, to Lord Newburgh; which was read a first time.

REVIEW OF THE LAST CAMPAIGN.

Major Maitland began with declaring, that he felt but little necessity to offer any apology to the House for the motion which

which it was his intention to bring before them. No apology could be necessary to be made by a Member of that House, for acting in conformity to a conscientious discharge of what he considered to be his duty. The magnitude and importance of the subject were in fact no apology for bringing it before the House for discussion. On one ground indeed he felt the greatest necessity of an apology, for the defect of ability in the person who had undertaken to bring this business forward. He anxiously wished that the task had fallen into other hands, and he lamented that the case was otherwise; but observing the advanced period of the session, and that no person made the attempt, or offered their services to their country on the occasion, and finding that we were again going to renew the horrid scene of carnage and devastation which overspread the continent, sooner than the question should not be brought forward, he had ventured to undertake it. Let the cause of the war be what it might, whether legitimate or otherwise, it was worth while at least to inquire how it had been conducted, and especially in the last campaign.

If it were true that inquiries into the conduct of the Executive Government were proper when we were engaged in war on the most legitimate principles, when the cause of the war might be to vindicate our honour, to protect our allies, or what, in his opinion, was the most legitimate of all the causes of war, to defend our own territories, how much more necessary were inquiries in such a war as the present, which, if he was right, could not be justified by any legitimate principle! The agitation of this question could not, he conceived, be disagreeable to any side of the House. Those who thought with him that the war was unwise, unjust, and unnecessary in its commencement, and that, if both just and necessary, it had been weakly and ignorantly conducted, that hitherto it had been unsuccessful in its progress, and afforded no prospect on our part of an advantageous termination; that a dangerous alarm had been sounded through the country without any good reason; those who thought, as he did, that the constitution was less likely to be injured by what was called the mangling hands of reformers, among whom the Right Hon. Gentleman (the Chancellor of the Exchequer) had once appeared conspicuously, than by those who laboured uniformly to increase the prerogative of the Crown, ought to vote for an inquiry, such as he should propose, in order that wiser steps might be pursued in future. Those who, with the Right Hon. Gentleman, maintained it to have been a glorious campaign on our part, and that during the whole of the last campaign we had experienced nothing but the most brilliant

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and unparalleled success, ought to vote for the same inquiry for the satisfaction they and the Public must have from the result of it. The honour, the character, the fame of the Right Hon. Gentleman, were concerned; and he thought himself entitled to the Right Hon. Gentleman's thanks for bringing forward a motion which would enable him to remove the aspersions that had been thrown upon him in his official situation. There was another description of persons who thought the war just and necessary, and that it ought at all events to be continued; and yet they admitted that the campaign had been ill conducted, and that the Right Hon. Gentleman was not a war minister, though they determined to support him. How they could justify this conduct, and extricate themselves from the dilemma in which they were placed, he was greatly at a loss to know. If they did not alter their opinions, and withdraw from ministers their support, what consolation would they have to fly to, except the last refuge of human misery—hope?

At the commencement of the campaign nothing was to be heard of but the superiority of the discipline of our troops: The Duke of York, with his brave army, was to strike terror on the miserable Sans Culottes of France, and put them to flight, and the English were to march in triumph to Paris. What was the case at present? A bill was depending in Parliament for the avowed purpose of protecting this country from invasion by the French. In fact, the whole of the conduct of this war was similar to that of the American war. At first the Americans were denominated a vile miserable banditti, to be conquered at once; but when that was found impossible, then we began to revile them for want of principle, and endeavoured, by empty declamation, to practise upon the passions of the thoughtless part of the Public.

Relying more on the magnitude and importance of the subject for ensuring the attention of the House, than on any argument he could use, he would state to them what was his view of the last campaign. It was his wish to have limited himself altogether to such measures as originated wholly in the British Cabinet, and were carried into effect principally by British troops, though, perhaps it might not be in his power to conform himself entirely to that wish. The measures to which he should principally call the attention of the House were the affair of Dunkirk, and the capture of Toulon, and the sudden retreat from that city and port; he should also say a few words concerning the expedition under the Earl of Moira, to whom he took occasion to pay a handsome compliment for his military merit and his many virtues. Previous
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to those victories, by which the French had been driven from Belgium, and Holland thereby relieved from the apprehension of danger, we had little or no right to claim any share in the merits or demerits of the campaign. He would pass by the impolicy of sending a handful of men to join the powerful armies of Clairfait and the Prince of Cobourg; a contrary policy might have been of great service to this country, if those troops had been sent to second the discontented party at that period in considerable force in La Vendée, since a footing might have been obtained in France, which would have been attended with singular advantage with a view to obtaining the object of the war. The suffering the advantage which fortune threw into the hands of the allies on the melancholy event of the death of the King of France, to pass by, was wholly inexcusable. At that time, and for a considerable time afterwards, the whole kingdom of France was distracted; and from that time until the Mountain became triumphant, France was in a situation of which the combined powers might have availed themselves; but instead of that, the conduct of the allies had tended to make France formidable, by uniting them almost as one man, as to the opinion they entertained of their enemies, whatever they might think of each other: Nor was it difficult to learn the opinion the allies had of the situation of their cause against the French. This was a part he only mentioned, because he felt it to be true; he should not dwell nor argue upon it. On the contrary, he would grant that the British had their share in all the glory, as it was called, of the campaign—he should grant all the merit due to the army for the recovery of Belgium, the taking of Valenciennes, Condé, Quesnoy, and Mayence; granting, he said, the whole merit due for all this, he felt himself completely prepared to deny the general success of the last campaign as it stood, independent of future prospects. If, instead of any of the legitimate causes for war, we had a view of changing the Government of France, he would prove that, with regard to our future prospect, we were so far from having gained any thing, that we had most considerably lost, and that we had now more difficulty in obtaining the blessings of peace than at the commencement of the campaign. To form an opinion upon this point, we should look at the alteration we had made in the minds of our enemies, on the army of France, on the people of France, and on the allied powers with whom we were acting. What was the present opinion of the French troops could be best seen from their conduct, and the change that had been made therein since the time when they fled before the triumphant and victorious armies of M. de Cobourg and M.

de Clairfait: Now, far from thinking of flight, they are constantly the first to attack, and those great Generals, instead of attacking, stand merely on the defensive. What was the obvious conclusion to be drawn from this change of conduct in both armies? that the French no longer considered the armies of Austria and Prussia invincible, that the latter no longer thought the French an enemy to be despised. He would venture to say that no thinking man in Europe would assert that, in the opinion of the French, our power and our energy were increased. Be that opinion of theirs right or wrong, it was a serious point to us, because it had an effect upon them. He believed also there was no thinking man in Europe who did not see that the latter part of the campaign was worse conducted than the first of it.

What had been the success of the last campaign from the public opinion of the French? At its commencement the seeds of rebellion were scattered far and wide through the kingdom, and ready to burst forth upon the first opportunity which might occur: What was the case at present? Though there might be various contentions amongst each other for power, yet, with regard to the combined powers, there was but one opinion, that they ought to be opposed. If we had succeeded in driving the French from Belgium, they had succeeded in the suppression of the rebels in La Vendée: This, he contended, was of more importance to them than retaining possession of Belgium, for it was from internal discontent and insurrection only that they had any thing to fear.

"Let us turn (said the Major) to the allied armies. Let us see if there we meet with any signs of that great success we are so perpetually boasting of? Do we now see them eager to attack and anxious to push forward? Let us appeal to the Generals Wurmser and Brunswick; their great and powerful armies are frittered down to mere garrison troops, hardly able to protect a few strong posts and fortified places. If you go further northward, view the once victorious army of Monsieur Cobourg, before which the French troops fled with precipitation and terror. What is its situation at present? Checked in its progress, it has been compelled to retire, and merely act upon the defensive. Is it from the resignation of the Duke of Brunswick of the command of the Prussian troops we are to conclude that the campaign has been crowned with those brilliant successes which we have heard boasted in all the pomp of language? His resignation must have arisen from one of two causes, either his own disgust, or the disapprobation of his conduct by his master, the King of Prussia; disgusted himself either with the cause in which he was engaged,

gaged, or hopeless of success, he resigned; or the King of Prussia, disappointed in his expectations of success, and thinking that disappointment arose from the General, signified his wish that he should resign; either of which cases proves that the success of the campaign is not such as our delusive hopes had painted. General Wurmser stands in the same situation, he is to retire from his command. And what is the situation of the army of Saxe Cobourg? A general discontent, according to report, prevailed in his army; and it was said that gallant officer and experienced general was to be superseded in his command, and the Emperor himself to take the command of that army to appease its discontent. Did these circumstances arise from an opinion that the campaign had been successful? From the hour of the taking of Valenciennes, no one success has attended the arms of the combined powers, and since the unfortunate affair of Maubeuge they seem to have daily declined.

“What have been the feelings of our allies upon this subject? Are they such as bespeak an opinion that the campaign has been successful? With regard to the Empress of Russia, it would not be an easy matter to collect her feelings on the subject from any thing she had done: If her sentiments with regard to neutral nations were congenial to those professed by the British nation, instead of taking possession of Oczakow, which to prevent, we thought we ought to have involved the country in a war, we should see her march an army to Constantinople to compel the Turk to relinquish that neutrality his prudence had adopted.” What are the feelings of the King of Prussia on this subject? The Major said, he had heard some defence set up for every power who had engaged in the war against France, but for Prussia no excuse had ever been attempted to be made; he was the first to embark in the war at a time when all the other powers of Europe acknowledged the new constitution of France; he at that period boldly and openly declared his sentiments, that it was his intention to punish those impious assailants of the rights of Kings. “He is the first to recede from the war, after having made the other combined powers dupes of his nefarious policy. What did he now say? Does he assert, that success crowned your arms in the last campaign?” In the Morning Papers his declaration has appeared, which, though not the proper channels of official authority, might be relied on. What are his sentiments expressed in that declaration? One part, which appeared to be a deduction from the whole, he should take the liberty to read; and what did that say? that “His Majesty does now renounce the same, and also every resolution

tion of the Circles relative thereto. His Majesty has therefore taken the resolution no longer to grant his protection to the German empire, but to order his army (excepting twenty thousand auxiliaries, according to the different treaties) instantly to return to his own dominions." This seems pretty unequivocally to express his feelings upon the success of the campaign. What appear to be the feelings of the Emperor upon the subject, his conduct will also evince. He seems to feel the necessity of his subjects rising in a mass: Is this with a view to offensive operations against France? Far otherwise; it was to protect themselves from the attacks of the enemy they before affected to despise. What are at present the feelings of the people of this country? Do they seem to feel a security from the success of the campaign? No; they talk of an invasion, which, previous to this successful campaign, had not been dreamed of: We find it necessary to have an army of Frenchmen in English pay, in addition to our other force: We find it necessary, for our protection, to call forth new and unusual forces for the protection of the country, and to maintain them in an unusual and unconstitutional manner. For the real sentiments of the country, the Major said, he would appeal to the feelings of the Gentlemen who heard him, who could not say that success had given them security. The publications from the Treasury, and from Mr. Reeves and the Associates, demonstrated, that the success was not so splendid as had been boasted. Their tone seemed much changed. Previous to the last campaign, the language was (just what they could have picked up from every declamatory pamphlet written during the American war), "Can an undisciplined rabble oppose the veteran armies of the Duke of Brunswick and of Prince Cobourg? Can the *Sans Culottes* of Paris stand against his Royal Highness the Duke of York?" Assertions like these had been lavished in the first years of the American war; and yet great generals, and great armies, had been captured by the undisciplined rabble. When the fallacy of those hopes and assertions had been proved, the supporters of the American war changed their style. Then the Americans would be starved into submission; they were in want of clothes, of food, of arms, of military stores; in a word, they laboured under every want that the ingenuity of man could find out. The same species of assertion was at present relied upon; and we are told that the French must soon be starved; that they have no corn, no shoes, no clothes, no arms, no saltpetre, &c. &c. They want all these things, but do they want military efficiency? We had been told last year, that the majority of the French nation were disaffected to the Con-

project, was, that though it was not successful with regard to Dunkirk, Quesnoy fell in consequence of the attack; the French being obliged to call off their troops for the defence of Dunkirk, diminished their forces at Quesnoy, by which means it fell into the hands of the allies. Supposing this to be the fact, was it any reason that the project against Dunkirk should not have been seconded by those whose duty it was to have done it? and then probably Dunkirk as well as Quesnoy would have fallen. The conduct with regard to this expedition, the Major said, should found one part of his motion; and it was impossible to deny that it was such as demanded investigation. The second part of his motion should relate to the capture and evacuation of Toulon, in which had been displayed a degree of folly, imbecility, and treachery, unexampled in the history of the British nation, and dishonourable to the *British* name. How we became possessed of it had been represented variously by ministers, at different times, as it suited the purpose of their arguments of the moment. At one time its surrender was held out as a proof of the confidence entertained by the good people of France in the faith of Englishmen, and the general disaffection to the existing government that prevailed. At another time it was instanced as a proof of the great wisdom, skill, and intrepidity of Lord Hood, who so completely blocked up a superior fleet in the harbour of Toulon, that by dint of famine he obliged them to surrender. The Major ridiculed the supposition of such a blockade as could induce such a city to surrender, and compared it to another celebrated blockade, that of Marseilles, by the same Noble Lord, and recited by himself. The circumstance circulated by Lord Hood was an intimation he received, that General Carteau was preparing to carry off from Marseilles a considerable sum of money; "which design," said the Noble Lord, "I have taken effectual measures to prevent, by sending a cruiser to hover on the harbour." The reasoning in both cases was equally absurd. While the harbour was blocked up, Carteau could not take away the money by land; nor the Toulonese receive provisions. In truth, there was no denying but we obtained possession of Toulon by treaty, and by that only. The fall of the *Girondists* had spread disaffection and revolt throughout the extent of the republic, and more particularly in the maritime places. The whole navy, from the Admiral to the common sailor, was, at the first, hostile to the Convention; and it was while this impression was on their minds that Lord Hood made that unfortunate acquisition. He did not, however, obtain it but on condition of affording them protection, and guaranteeing to them the constitution of

of 1789. Thus it stood for a while, until there was an opportunity for the hand of the minister to appear in it, after which the Toulonese were promised to have such a Government as should be agreed upon; that is, they were to be governed by an hereditary despot, who was to treat them better than the other despots his ancestors. The Right Hon. Gentleman (the Chancellor of the Exchequer) had asked if no credit was to be given to the Noble Lord (Hood) in the Mediterranean, for blocking up the French fleet in Toulon? If no credit was to be given to the Noble Lord for starving the people of Toulon into a compliance with his measures, and a surrender of the town? Whether that Lord's conduct merited praise or censure, could be best found upon inquiry. But as to the humane doctrine of starving, the sole merit did not belong to him; the Major said, he had authority equal to that of his Lordship, which shews the praise of that meritorious act should be divided; that was the authority of Don Juan Langara, who claims a share in blocking up the port of Toulon, and of starving the inhabitants into a compliance with their views. That Government could have no idea of taking possession of Toulon, when Lord Hood was first sent into the Mediterranean, was obvious from one single circumstance, that when the troops were to land, there was not a single officer that could take the command of them; and it was of necessity entrusted to a naval officer (Captain Elphinstone), who, though of talents and capacity in his own line, would certainly not have been employed for such a purpose by Administration. Lord Mulgrave, an officer whom he was glad to see in his place, and of whose military skill no man thought more highly, soon after took the command of 2000 men, in addition to those who were already in the garrison, with which he not only made some very fortunate sorties, but also put the enemy to the rout; and had declared in his official letters, that "he felt himself and the place in a state of comfortable security." As the garrison still continued to increase, the public mind might well be satisfied with such repeated declarations.

Though not strictly connected with the subject of the motion he was to make, the Major said, he must take some notice of the civil transactions of Toulon, which were highly injurious to the cause which we had espoused, and a disgrace to the nation. The inhabitants of Toulon had made a proposition to Lord Hood, in which they stipulated for the constitution of 1789, to which stipulation his Lordship agreed; but which, as soon as he had it in his power, he refused to fulfil. Never was there a grosser violation of public faith; it would have

have disgraced a quibbling attorney, not to speak of a great nation. The declaration which Lord Hood made was more injurious to the cause than the retreat from Dunkirk, the defeat at Toulon, or the overthrow of Wurmser. At that period it was well known that nearly the whole of the French navy was discontented with the governing powers, and well inclined to have surrendered to the power of England. The conduct of the English at Toulon was however such as to put an end to all those fair prospects, and change that opinion. There was one part of the Noble Lord's conduct, the Major consented, that called loudly for explanation. That Noble Lord had taken upon him to give up four ships of the line to the enemy, which were sent to Brest. If an officer suffered a ship to fall into the hands of the enemy, the usual course was to bring him to a court martial, and try him for his conduct. He trusted, at least, that some inquiry would be made with regard to the surrender of these ships. To come immediately to the military (to which subject he had given every possible attention), upon the face of it, he could not see that ever there could have been any reasonable hope of success with regard to the tenure of the place. It was not till the unfortunate capture of the courageous Governor O'Hara, that the true state of Toulon began to be suspected in this country. Then came out the extraordinary and unexpected discovery, that though a short time before such a handful of men as 1800 were deemed a sufficient force against an army of 10,000, yet it was apprehended that when we had 15,000 men in the place, we were not likely to maintain our ground. There were two armies to be apprehended; one under General Canseau, at Marseilles, consisting of ten thousand men; the other an army from Italy, whose number and strength were unknown to the Noble Lord. The frontier to be defended, was an extent of fifteen miles unfortified, beside eight capital posts. Nothing less than a covering army, as he was well informed by persons acquainted with Toulon, could enable troops to keep possession of it. The old government of France, which had the best generals and engineers in Europe in its service, had always held it as a maxim, that Toulon could not be kept but with a strong covering army. It was true, part of the enemy's fleet was taken off, part was burned, and a considerable part left behind; but what was worse than leaving the fleet behind, was the number of unfortunate people left victims to the sanguinary resentment of those from whom we had undertaken to protect them. When the place was found to be untenable, what should have been our conduct? Should not an evacuation have been at once determined upon? Should

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not the whole fleet have been sent away, and the miserable inhabitants saved from the fury of those whom they had unpar-
donably offended? If Toulon was thought an object worth
having, why were not some effectual means taken to maintain
the possession of it? Why, instead of employing the troops in
schemes never put into execution, were they not sent to pre-
serve the conquest of Toulon? The place certainly should
have been defended, whether its importance was looked at,
or their consideration was directed to the inhabitants, with
whom the commanders had entered into a treaty, and whom
they had engaged themselves to protect.

The expedition under the Earl of Moira, though he did not
intend to make it an object of the present motion, the Major
said, called for a few words from him. No man could enter-
tain a higher opinion of the merits of that Noble Lord, and
his great military talents, than he did; and the expedition
might have been certainly useful, if it had been executed to
give a little eclat to the English name, after our defeats at
Dunkirk and Toulon. A time had been when the royalists
of La Vendée, assisted by us, would have done more for the
attainment of our object than all the allied armies put to-
gether; but the opportunity had passed without advantage.
To shew that this was a project with which the country had
been amused, without a hope of its being successful, he only
desired to state his Lordship's own words in the other House
of Parliament, which he then quoted. "Let those (said the
Major) who think that we have been successful in the last
campaign, or those who look with hopes to the better success
of the present, consider how it is commencing. Save the
capture of a paltry island in the West Indies, and a fort in the
East Indies, taken almost at the commencement of the war,
there is no success that we can boast. Ideal expeditions to the
East Indies had been talked of and abandoned." An expedi-
tion had been undertaken to the West Indies, which he
hoped would be glorious: But in every other part of the world
we pursued the same policy which had blasted our arms during
the last campaign. On the island of Corsica we employed a
small force to accomplish a great object; 1400 men to take
the whole island. The probability was, that we should be
driven from Corsica just as we had been driven from Toulon,
shamefully and disgracefully. The ruinous system of fighting
in detachments was still persevered in on the continent. The
same uncertainty with regard to the expedition of Lord Moira
still remains. In every point of view in which the subject
could be considered, it was one that demanded inquiry. The
Major concluded by moving, "That the House resolve itself

“ into a Committee of the whole House, to inquire into the
 “ causes which led to the failure of the army under his Royal
 “ Highness the Duke of York, at Dunkirk; and also to inquire
 “ into the causes which led to the evacuation of Toulon, under
 “ the command of General Dundas and Vice-Admiral Lord
 “ Hood.”

Mr. Sheridan seconded the motion.

Mr. Jenkinson rose to reply, and began by asserting that notwithstanding what had been advanced by the Honourable Mover, no individual enterprise of the last campaign furnished reasonable ground for blame; but that, on the whole, the system that had been adopted by the British Cabinet, and was pursued throughout the campaign, was the wisest that could have been adopted under all the existing circumstances. In support of this opinion *Mr. Jenkinson* said, he proposed following in order the different enterprises as they occurred; and that he would afterwards enter into an examination of the nature of that system. Previous however to entering into the details of the campaign itself, it was but natural to look at the conduct of those in whose hands it was placed, and see how they conducted themselves in making preparations for the carrying it on. The efforts made upon this occasion, he had no hesitation to pronounce the greatest and most meritorious that ever occurred upon a similar occasion. The largest body of troops raised during the first year of any former war, never exceeded 22,000 men, whereas there were in the first campaign of the present war, levies actually amounting to 34,000 men collected; this single circumstance therefore alone entitled them to the praise of activity and spirit. The first expedition of the campaign, in which the British troops were engaged, was the relief of Holland, upon its invasion by Dumourier. The character which the effort deserved in his mind was, that it was the wisest and most alert that ever was planned and executed; and that, to the able mode in which it was conducted, Holland eventually owed her safety, inasmuch as it was ascribable to the employment which the French found for their arms before Williamstadt, that the allies gained time to advance, and in the end drive back the invaders out of the country. This was a circumstance that even that crafty General M. Dumourier himself had acknowledged. It was not less singular than astonishing, that throughout the whole of the Honourable Gentleman's (Major Maitland's) speech, that Honourable Gentleman had evinced an unusual anxiety to take away all credit from the British Government, in cases where the combined arms had proved victorious. And yet the Honourable Gentleman had admitted, that the councils adopted

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at the Congress at Antwerp were good with respect to the mode of conducting the campaign. Now, whether any subsequent departure from those were so or not, yet it was thereby admitted, that we deserved some credit for them, inasmuch as the British influence certainly had its weight upon that occasion, in common at least with the other powers assembled there.

The next events worthy of notice, which followed the relief of Holland and the evacuation of the Low Countries, were the battles of St. Amand and of Famars, in which the British troops certainly acquired their usual share of praise, by the exertion of their usual spirit and bravery. To these succeeded the siege of Valenciennes; here the merit might be said to belong almost exclusively to this country; for it was carried on by a British army, commanded by a British officer, before whom that town, in vain, made a gallant, but ineffectual, resistance. He could not see any reason why the British arms should be deprived of the laurels that they so gloriously acquired in that enterprise, unless the Honourable Gentleman would be pleased to say, which he could not imagine he would venture to assert, that there was a greater proportion of Austrians and Prussians than British troops in that army. Even admitting that mode of reasoning, the force of it would equally apply to the expedition against Dunkirk. Of that expedition he begged leave to say, that no possible blame could attach either upon the officers or men that had been engaged in it, but, on the contrary, the greatest degree of praise was due to both.

His next purpose, Mr. Jenkinson said, would be to shew why he approved of the expedition against Dunkirk. The Hon. Gentleman had totally forgot to mention, in the course of his speech, the event that occurred at the Camp de César. In the first place, he would consider the object of Dunkirk; and in the next place, he would consider, admitting the capture of it to be an object, the force that had been sent against that place. Nobody would deny, that Dunkirk offered many considerations of importance, to induce a wish for its acquirement. As a sea-port, the possession of it was particularly desirable, both as a *depôt*, from whence we might pour troops and supplies into France, and as capable of furnishing a considerable shelter to our ships going northward; for these reasons it was determined to be attempted. It would be admitted by all who were any ways acquainted with the wet and marshy situation of the country about Dunkirk, that if the siege were to be attempted at all, it could not have been attempted at a period later than it was (the middle of August). It would

also not be pretended that the whole of the allied army should have been brought against it. The failure, therefore, of the expedition, could only be imputed to those extraordinary efforts made by the French to save the place, and which it was equally difficult to foresee and to resist. As to the imputation upon the lateness of the arrival of cannon for carrying on the siege, he denied that that event had any influence whatever in the catastrophe, and though the attack had proved unsuccessful, yet the event of that attack had been productive of the most solid advantages. To repulse, with success, the army that had been sent against the place, it became absolutely necessary to draw together a considerable force, to be an overmatch for our covering army. This actually was the case; for the French having drawn off a very extraordinary force from the lines of Weissenbourg to repulse our covering army at Dunkirk, Quesnoy became an easy conquest. From this circumstance it was apparent that Dunkirk was looked upon as a great object by the French themselves.

Considering the capture of Quesnoy, which, as he had just stated, was the undoubted consequence of this diversion, and regarding the other existing circumstances of that period, when the main army of the combined powers was directed to the obtaining advantageous posts, and to the keeping in doubt and in check the army of the enemy, no blame was to be imputed to the troops sent against Dunkirk for their want of success, inasmuch as they had to contend with a very superior force; nor to the planners of that expedition, for not sending the whole of the combined army to the reduction of the place.

The next event in order of succession that the Hon. Gentleman had touched upon, was the affair at Toulon. By the declaration at Toulon, the Hon. Gentleman said, that the British honour and the British faith stood pledged to restore to the Toulonese the constitution of France. He begged leave to remind the Hon. Gentleman, that the words of the declaration were, "the constitution accepted in the year 1789." It was evidently upon this that the treaty was founded. The second article of the declaration stated that the white flag was hoisted. Every man knew that the white flag was abolished by order of the Constituent Assembly. Then, taking the purport and date of the declaration, wherein it was stated that peace and tranquillity would succeed the four years of anarchy and confusion under which the people had groaned, it was evident, that by the constitution of 1789, was not meant the constitution of 1791. Another strong proof existed in the requisition made by them to Monsieur to come amongst them, and govern in the name of the King; while at the same time, by

by the very constitution of 1791, that Prince, in consequence of his flight and subsequent conduct, had been declared a traitor to his country. Even admitting, by way of argument, that to be the case, the inference that had been drawn by the Hon. Gentleman was totally false; namely, that we pledged ourselves in the most unqualified manner to render protection to the inhabitants of Toulon: Lord Hood only said, that if the Toulonese declared themselves in favour of the French Monarch, his Britannic Majesty promised them conditional protection. The Toulonese consequently declared in favour of Louis XVII. and Lord Hood, in the name of his Britannic Majesty, promised to protect them, and restore the town, ships, stores, &c. to Louis XVII. when on the throne of France, and when we were at peace with that kingdom. We did not, as the Honourable Gentleman had stated, promise to do one thing at one place, and another thing at another place. On the contrary, the conduct pursued by Great Britain during the campaign had been uniform and consistent. He utterly denied, that the object of the present war was to establish any one particular form of government in France: It was not to build up, but to pull down; to put a period to that despotism which at present afflicted that unhappy country, and menaced all Europe. For this reason, therefore, whatever party should spring up, or in whatever quarter, for the purpose of opposing, we were bound to support it; no matter upon what grounds, or upon what principles; that opposition took its rise. He confessed, he felt himself particularly astonished at that part of the Hon. Gentleman's speech, in which he lamented the state of those supposed to have been left behind upon the occasion of our evacuating Toulon. It was to be recollected, that the subjugation of Lyons had enabled the French to come against Toulon with considerably superior force. Insinuations had been thrown out that were totally groundless, relative to the evacuation of Toulon. Mr. Jenkinson said, he had no scruple to deny, in the most positive terms, that a single person was left behind, who chose to depart with us; but, on the contrary, every individual, who was so disposed, was furnished with the means of escape. With respect to the circumstances of the sending away the four ships by Lord Hood, which had been alluded to, he understood the fact to be this: There were at Toulon a body of 6000 seamen, who were extremely riotous and turbulent, being avowedly adverse to the proceedings there, and from whom much inconvenience was actually suffered, and great danger was to be apprehended: It was, therefore, deemed prudent, and, indeed, necessary, to get rid of these at all events; and for this purpose, they were furnished

nished with the above vessels, in order to depart wherever they thought proper. Much blame had been imputed to Administration for their not sacrificing every thing to the succour of Toulon; but however desirable that object might be, he never could conceive that the other expeditions, from which so much benefit was justly to be expected, were to be sacrificed to it; nor did any contract entered into on the occasion call for such a sacrifice.

With regard to the business of the rebellions in La Vendée, and the projected expedition under the Earl of Moira, he conceived, we were equally free from every imputation of blame. It was neither the business, nor in the power, of this Government to assist them, until, by their coming down to the sea coast, they afforded opportunity for effecting a junction with them, without such extensive exertions as were inconsistent with the system of pushing the war with vigour in Flanders. When they made the attempt, we also made preparations for assisting them.

Having thus gone through the several circumstances attending the late campaign, Mr. Jenkinson proceeded to discuss his other topic, the system upon which it was founded. He laid it down as a first principle, that security was not to be obtained for this country, without the destruction of the Jacobin Club. This security was not to be attained by treaty or peace; and herein the present differed from all former wars; for, however in those our enemies might persist in their intentions, yet they found it convenient to wave them occasionally, and come to terms, in order to recruit their means. In the present instance, the party who made peace, would, in all human probability, owe their downfall to that circumstance, and their successors be obliged to pursue an opposite line of conduct.

A great deal had been said about the term "security." A Right Hon. Gentleman (Mr. Fox) had, on a former occasion, declared that the same security might be had in this war as had been taken in any former war, and adduced, by way of instance, the treaty of Ryswick. In regard to this, he would contend with that Right Hon. Gentleman, that there was not the least possible ground for such an argument, and that the instance the Right Hon. Gentleman had stated could not bear him out in his assertion. The Right Hon. Gentleman should have recollected, that the treaty of Ryswick was concluded by Louis XIV. at a period when that Monarch had a design to introduce the Pretender into this country; and in order the more effectually to put that design into execution, and to throw a veil over his intention, he entered perfidiously into terms of peace. Was that, therefore, a parallel case?

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Most certainly not; for then this country entered into a peace that was grounded on a temporary security, while at the same time she ran the risk of any circumstances that might, in the course of human affairs, arise either to destroy or confirm it. Was that the case of France at present, or any thing like it? Undoubtedly not. Great Britain had not the least security for a single hour! Were this country to make peace with France under the circumstances existing at present in that unhappy country, independent of the insecurity that was attendant upon such a peace, inevitable ruin and destruction would fall upon the head of the person there that should conclude it. This he considered to be a complete answer to the assertion of the Right Hon. Gentleman.

There were two modes by which the Jacobins of Paris have established their influence throughout France—by the fear of the *guillotine*, and by the establishment of clubs dependent on them in every part of the kingdom. Ever since the destruction of Federalism, it had clearly been the object of the Jacobin Club at Paris to extend their influence throughout the country. In the execution of this, the Jacobin Club took especial care never to vest any of those inferior clubs with supreme authority, but to make them uniformly dependent. If the Jacobin Club of Paris was therefore once destroyed, the others were so dependent on it, that they could never agree in fixing upon any one object as a point to rally to. The influence of the capital over the other parts is observable in every kingdom, but in France it is particularly so: If, therefore, the mischief there was once destroyed, a corresponding effect would be universally felt throughout that whole country.

Another argument advanced by the Hon. Gentleman was, that the people were less disposed to insurrection at present than they were during the last campaign. The inference that the Hon. Gentleman had drawn from this was, however, wholly unfair. Would the Hon. Gentleman prove, that, although actual insurrections were not now so numerous nor so great as they were during the course of the last campaign, the seeds of insurrection and rebellion were less rooted than this time twelvemonth? He could assert from his own knowledge, that the spirit of insurrection was as great, if not greater, at the present day, than it had been last year, in the three greatest cities next to Paris, namely, Lyons, Marseilles, and Bordeaux. There were other places where the spirit of disaffection had manifested itself in a very strong degree. When the Royalists had lately passed the Loire, they were allowed to proceed forward without meeting the smallest obstacle from the
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peasantry; on the contrary, when the Republican army had passed the same way, they were fired upon from villages.

Sure he was, that if the Jacobin system was destroyed in Paris, the system of anarchy would be at an end in France. The great question that presented itself was, what was the best means of destroying this system of Jacobinism? If the war was carried on in Brittany, it could not be carried on in the Low Countries. Were that system pursued, there was no possible chance of succeeding. To carry on the war entirely in Brittany, was to ensure destruction upon our army. Defeat and dismay must have been the inevitable consequence; the Almighty alone knew whether Europe could withstand such another shock. With respect to the means by which this object so desirable might be obtained, he was decidedly of opinion, it consisted only in forcing our way to Paris; and he had no difficulty in saying, that the marching to Paris was attainable and practicable. To effect this, it certainly was preferable to proceed by the way of the Low Countries, by which we could gain strong holds, thereby establishing a chain of communication, and enabling ourselves to proceed with safety under the consciousness of having secured a retreat. While the present system existed in France, the enemy had only one advantage over us, namely, the power of bringing a superior force to any one place. But on our side there remained many considerable and peculiar advantages: We not only excelled the enemy in strict military discipline, but in the superior force of our cavalry. In the present disorganized state of France, it was impossible that she could raise cavalry as easily as infantry. During the latter part of the last campaign, the cavalry of the Combined Powers had been of very little service, from the nature of the country which was then the seat of contest, but in the next we should derive the fullest benefit from our cavalry, by having secured so many strong holds, whence to make our efforts. From the events of the last campaign, therefore, he augured the most signal success in that to come. The valour of all the troops engaged, particularly of the British, was conspicuous. To others he left to express their raptures at the glorious battle of Jemappe, where, *mirabile dictu!* 60,000 Frenchmen defeated, though with considerable difficulty, 17,000 Austrians. Be it his pride to exult in the brilliant action at Lincelles, where by the unparalleled spirit and talents of the General (General Lake), seconded by the memorable valour of his troops, 1500 British troops defeated and cut to pieces some thousands of Frenchmen. At Lincelles the British troops performed such prodigies

gies of valour against superior numbers, as would erect a monument to their fame equally lasting with Time itself!

An opinion had been entertained, and frequently contended for, which had more of plausibility than of truth for its support. It had been said, the commercial superiority of this country was the principal, if not the only, point worthy of attention. So far was he from falling in with this prejudice, that he was decidedly of opinion, that the very existence of this country was dependent upon the preservation of that martial spirit, by which we arose to our present envied superiority, and to which alone we must owe its continuance; a spirit which he was happy to see pervade all ranks, caught from the field, and communicated to the plough, and to the loom. Should the most zealous advocate for our exertions, at the commencement of the war, state what was to be expected of us, he would say, we have an ally to rescue from the common enemy: They are in possession of strong holds, from which we must drive them; and they have fleets, which we must destroy, ere we can subdue them. This we undertook, and this we have in a great measure accomplished. Holland rescued from the most imminent danger; Valenciennes, Quesnoy, and Condé, in our possession; and the fleets, arsenals, and stores at Toulon annihilated, or turned against their former owners; are so many proofs of our successes, and testimonies of our triumphs! It has been said, never have there been such alliances against France with so little done; the contrary is the fact. There have existed as powerful combinations against France as the present, but never was there a first campaign over, leaving the combined powers so much to boast of. There may have been checks, there may have been failures, there may have been errors, but nobody would thence necessarily infer there must be blame. In the famous war on the Spanish succession, while Marlborough was earning the most splendid triumphs in one quarter, Eugene had failed in another; but did any one impute misconduct to him, or censure the whole of the campaign upon that account? In vain did we, in that war, gain the battle of Ramillies, in vain did we gain the battle of Blenheim, in vain did we advance into the heart of France, if at the end of the campaign, because Prince Eugene had been discomfited, it could have been maintained that we were the losers. Upon the whole, therefore, he saw no good grounds for agreeing to the present motion, and should give it his decided negative.

Lord Mulgrave began with declaring himself sensible how unnecessary it would be for him to enter generally into the subject, after the eloquent and able manner in which it had been

treated by his Hon. Friend. He conceived it, however, to be his duty, from the situation in which he had happened to stand at Toulon, to say somewhat in reply to the allusions which had been made to the transactions that took place there. There were three points principally considered in the speech of the Hon. Gentleman who made the motion: 1. Whether there was a want of faith on the part of the British Government towards the people of Toulon: 2. Whether there was any subsequent inattention on the part of Administration with regard to the defence of the place: and, 3. Whether there was any neglect on the part of the acting officers, with respect to the evacuation of Toulon.

With respect to civil affairs, he utterly denied that any thing like a breach of faith was imputable to the British upon the occasion. In taking possession of the town, there was but one insulated provision adopted, by which the regal government in the most general terms was established. In regard to what had been said respecting the white flag, he was astonished when he heard it said, that Lord Hood had forced ~~the~~ white flag upon the inhabitants. The hoisting of the white flag was an act not imputable to the British, but was a measure suggested and adopted by the inhabitants themselves. The measure was proposed on the 1st of October by M. Bayrille, the President of the Committee of Safety in the Municipality, the chief magistrate of the town, to whose talents and zeal for the welfare of the Toulonese his Lordship bore the most honourable testimony. M. Bayrille afterwards came to his Lordship, and requested that he, and the several officers, British, Spanish, and Neapolitan, then at Toulon, would attend the ceremony of hoisting the white flag. His Lordship said, he not only refused himself to accede to this request, but also expressly forbade the officers to attend, that it might not be supposed that we meant in the most distant shape to have any interference in the government of France.

The Constitution of 1789 was adopted in the stipulation between the people of Toulon and Lord Hood, for the purpose of quieting the fears and apprehensions of every description of persons, concerning the restoration either of the ancient despotism, or any system of government equally oppressive. In fact, so little were the people themselves acquainted with the terms or constitution for which they had stipulated or agreed upon, or any precise idea of what they were, that, confined as his intercourse with them must have been, from the multiplicity of business in which he was involved, he found the most opposite sentiments and ideas upon the subject prevail among them. Some felt such detestation and horror of the old despotism,

spotism, her Bastiles, *Lettres de Cachet*, &c. &c, that they declared themselves ready to undergo every extremity rather than submit to its revival; while others, conceiving that they had adopted the ancient system, wondered at the continuance of the modern authorities, the Sections, Tribunes, Magistrates, &c. when they had agreed to the restoration of monarchy, with all its appendages of nobility, orders, and priesthoods. Thus they themselves entertained no settled notions as to what should be their future form of government.

With respect to the four ships that had been sent away, there was an absolute necessity for putting such a project into execution. Gentlemen would recollect, that the town was delivered up by treaty, and not by capitulation. The Honourable Mover was mistaken, if he supposed that the whole of the French fleet had acceded to the articles of the treaty. Several of the French were much averse to the terms, and held out for a considerable time, till they were overcome by a majority. Among the disaffected were 6000 seamen, who made no secret of their aversion to the counter revolution, behaved in so riotous a manner, and kept them in such continual alarm, lest they should rise upon them, that it was found necessary for the preservation of the remainder to sacrifice a part. Under such circumstances, what was to be done? They could not be confined according to the articles of the treaty, as they had committed no overt act of violence. Therefore the best way to avert the inconvenience and prevent danger, was to get rid of them, especially as they were willing to go. The question then was, how were they to go? They could not swim away; and it was impolitic to send them immediately up the country to join the enemy. The method pursued, he was satisfied, would, after due consideration, be admitted, under a choice of difficulties, to have been the best that could be adopted, all circumstances considered.

In regard to the situation of Toulon subsequent to this period, he had somewhat to state. A remark had been made on him during his absence, that he had sent home dispatches, stating the comfortable security of the place, and yet had followed them home within a few days himself. The fact was, those dispatches had been sent off from Toulon a considerable time before, but, by delays on the way, had not reached this country till close upon the time when he was obliged to return. Never in his life did he quit a situation with such regret as upon that occasion. Having held the rank of Brigadier General *pro tempore*, that commission was sent home for decision upon: Suffice it to say, the appointment was not

continued by the authority here, and he therefore was obliged to return, not being able to act in a subordinate capacity.

The grounds upon which he held out the idea of a comfortable security, as to our continuance in possession of Toulon, were these: Instead of an extent of fifteen miles that we had to defend, as had been stated, the furthest extent of our posts did not exceed two miles from the centre of Toulon. It was true, that of the eight posts we occupied, the whole of them were not in such a state of forwardness as might be wished, owing to want of engineers; but, in return for that, the besieging army, under Cartaux, was composed of the very worst troops in France, none of the troops of the line having as yet joined them; and from the manner in which the General himself occupied certain posts, to the neglect of others obviously more advantageous, he was not led to form any very high idea of his skill, or to suffer any violent apprehensions of danger from his efforts. Lyons too had not at that time fallen, nor had he reason to expect it would, at least speedily. Add to all these circumstances, he had applied to General De Vins, who commanded the Piedmontese troops, for succour, and who returned him for answer, that though he could not immediately assist him as he wished, owing to some enterprise he was about to undertake, yet he had such well-grounded hopes of success, that he trusted he should be able in a short time, perhaps eight days, to force the French to evacuate Nice, and so succour him with redoubled effect, by an addition to his force of twice the number, and also by the discomfiture of the common enemy. The failure of that General in those plans he had not learned at the time of his sending off the dispatches in question. He trusted, therefore, that the House would see that he was not without some foundation for feeling and expressing such a comfortable confidence in the posture of our affairs, as might tend to raise the public spirit at home, and at the same time depress that of our enemies.

Of the events subsequent to his departure from Toulon, he declined giving any opinion, as he was as little in possession of facts to defend them, as the Honourable Gentleman who made the motion was to make good the charge he had advanced. The time might arrive, he said, when the Honourable Gentleman who had brought forward the motion would have a command in like circumstances, and he might then, perhaps, when distant, and not at liberty to explain every circumstance of his conduct, have reason to lament the presuming eloquence of some young political Major, who might seek distinction at his expence. It was a hard return for military men to be exposed

to such attacks in their absence; doubly so, when perhaps they might find themselves obliged to sacrifice part of their reputation to their sense of duty. Officers on service had a right, he contended, to a full allowance of candour and forbearance.

With regard to the state of preparation for evacuating the town, he knew not enough to form an opinion of it; but he knew that many difficulties might have existed on that subject. To forward a preparation, would disclose the intention, and encourage the disaffected in the town, as well as the enemy without. Some difference of opinion might also occur on that head between the commanders of different parties of the allies. He thought it but fair and candid in all military cases, particularly in the consideration of a distant service, during a war, to presume rectitude of intention, where wilful error was not directly apparent.

As to the charge of neglect in ministers in providing the means of defence, he should only say, he was convinced that, if success had attended the efforts made on that occasion, in any thing like an adequate proportion, Toulon would have been in our hands at this day; nay, even under all existing circumstances, he would stake his life, his character, and every thing most dear to him, as a man and a soldier, that if the whole of the garrison had been British, he would have preserved the station to Great Britain down to the present hour.

Sir James Murray commenced his speech with declaring, that he should not long intrude on the patience of the House, but a circumstance or two had been stated by the Honourable Gentleman who brought forward the motion, to which he wished to speak, and likewise to make some remarks on the military ideas that Honourable Gentleman had expressed.

He before had given his opinion, and still retained it, that the main seat of offensive operations near Valenciennes was well chosen; because at the same time that it afforded the best prospect of penetrating France, it effectually secured a defensive barrier to the Netherlands. Whether, therefore, we looked to self-defence, or successful attack, the choice was most proper, fortunately uniting both objects, without sacrificing either, and leading directly to an effectual prosecution and speedy termination of the war.

Dunkirk, concerning which so much had been said, was allowed on all sides to be a place of great importance; it consequently was proper to attempt to get possession of it; and this could not be done in any other manner than that which had been adopted, without losing sight of the main plan of the campaign, as conducted by the Prince of Cobourg. If the whole army
had

had attempted it, the other objects must have been relinquished. Bergues might be regarded as the citadel of Dunkirk, and was computed to be capable of resisting for three weeks, even if the whole army of Cobourg had advanced; but as only a given number of men could be actually serviceable on a siege, the remainder must necessarily constitute a covering army. Supposing, for instance, a siege requires 30,000 men, 100,000 will not expedite the capture of the place a single day; and in the present instance the main army could not have returned to prosecute the siege of Quesnoy, or Maubeuge, till the season would have been too far advanced for such an undertaking. Unless, therefore, the main design had been relinquished, it was necessary, if at all, to undertake the siege of Dunkirk as a detached service. The policy of a detached plan was to be estimated by the injury it might occasion to the main object, however desirable in itself. In this case no injury whatever occurred to that, as the siege of Quesnoy was necessary, and the remaining force of the Prince of Cobourg was fully adequate to that undertaking. When it was determined upon as a detached plan, no time whatever was lost in following up the execution of it, with as large a force as could be spared after the capture of Valenciennes, and the army was before Dunkirk on the 23d of August. On the 5th of September it became necessary to retreat.

The cause of this event, was the immense force the enemy had collected; and on this subject he differed from the opinion expressed by the Hon. Gentleman, that the *levé en masse* had not taken place; certain he was, that the most vigorous measures had been taken to recruit the army, as he well remembered that an insurrection took place among the peasants on account of the violent means used to oblige them to enlist.

A part of the army of the Rhine and Moselle had joined the Northern army by the 22d of August; and nearly at that period the siege of Dunkirk was commenced; and by some prisoners taken on the 6th of September, he was told that large detachments had been sent in waggons from Basle in Switzerland.

Sir James alluded to a letter that appeared in the public prints from the Duke of Brunswick, and which he deemed authentic. That letter, he said, mentioned the fact of the junction between the armies of the Rhine and the North, and to that event attributed the failure at Maubeuge.

He disclaimed all imputation on the Board of Ordnance, and said the retreat from Dunkirk was not owing to the want, or late arrival, of cannon or stores. The time fixed for their

arrival

arrival was between the 20th and 28th of August; and, in fact, part arrived on the 22d, in the morning.

The most important plans of the campaign, he contended, had succeeded, and it was but little detracting of its general success, to say that some one detached plan had failed. To penetrate in that campaign to Paris, or near it, never had been seriously thought of by any body that he knew. The exertions to save Dunkirk he represented as contributing to lose Quefnoy; and if the siege of that town had been foregone, he said he had no doubt that Dunkirk would have fallen. He could not agree, however, that the failure before Dunkirk in any degree contributed to the want of success before Maubeuge; they were objects totally distinct and unconnected. In addition to the evidence of the immense force collected to relieve Dunkirk, he mentioned a report of 60,000 men being at the time in the vicinity of Lille; a report, however, which he believed to be rather better founded than those which were circulated in this country, about the loss of artillery before Dunkirk, which afforded the only colour to any thing like disgrace on the subject, and, when examined, would appear destitute even of that colour.

The siege of Dunkirk, as it failed in its object, might be called a defeat; but it was not every defeat which entailed disgrace. The retreat was orderly and slow: Nothing was lost but a few cannon, and some inconsiderable quantity of stores, and these were left under these circumstances; they were brought to the point of attack, not as usual, by horses, but, to save that expence, by water cartage, which took up a time of ten or twelve days. Had they been brought by horses, two days would have been sufficient, and in that case they would have been taken safely away. The determination to leave them was not from necessity, but esteemed preferable, in point of policy, to a delay of ten or twelve days.

The British troops, he said, had gained much honour, and had been of great service; though the Hon. Gentleman had thought proper to regard them as disgraced and contemptible in their effect. This he knew was not the opinion of the Princes of Cobourg, who acknowledged the services of the British troops, and had delayed prosecuting the campaign till their arrival; ever after, their co-operation in the most brilliant successes of the campaign was eminently distinguishing, and had in no instance sullied the military character of their country. Valenciennes, Quefnoy, Famars, and Lincelles, bore ample testimony of their discipline and valour. The recollection of the affair at Lincelles in particular gave him singular pleasures

as it threw so much lustre upon the military exertions of our troops, and the British character itself.

Sir James recapitulated some particulars of the siege of Valenciennes, and explained a difference of opinion which had taken place between the Duke of York and the engineers relative to storming the horn-work, in which his Royal Highness at first gave way to the cautious recommendation of the engineers not to storm so soon as he wished, but declined withdrawing the troops from that post, when it was taken, agreeable to a recommendation from the same persons, and in consequence of which a fortnight was saved in the siege.

The retreat from Dunkirk was neither sudden, precipitate, nor irregular, but slow and orderly; it was also short, and soon converted into offensive operations: They halted at Furnes; Menin was soon retaken; Nieuport saved; and the inhabitants of that part of Flanders relieved from their uneasiness and dismay. The retreat was therefore attended by no circumstance of disgrace to the British. It would have been ridiculous to delay such a body ten or twelve days for the paltry value of a few iron cannon. On this subject he appealed to the doctrine advanced on a former night, that it was not proper for any Member to hold himself obliged to disclose any thing of which he had private information, and the disclosure of which was not formally demanded by the House; as what he was about to relate was a matter of public notoriety, no inconvenience could ensue. In fact, then, the whole number of cannon left was thirty-eight, and not one of these was brass. Different reports, he knew, had been industriously circulated here, the number being stated at 100, and with circumstances of precision which bespoke authority; for instance, the respective place in which they were left was named, and in particular a certain number was said to be left in the Great Mole, though it was not possible to place any one in that situation. The stores and ammunition left behind were also inconsiderable, not being more than sufficient for the service of one week, and by no means of a sufficient value to counterbalance the evil of a further delay on a point of policy and expedience.

Before he concluded, Sir James said, he wished to state, in answer to a reflection which had been made concerning the evacuation of Toulon, that he came to England in the same packet with the officer who brought home the account of that event, and that he was informed by him, that not a single inhabitant of Toulon was left behind who chose to leave that town, and submit himself to the protection of Lord Hood. Sir
James

James concluded with declaring that he should give his negative to the motion.

Mr. Sargent rose to vindicate the character of a Noble Duke, at the head of the Ordnance Board, from the imputations which had been cast upon him in the course of the debate; and insinuations more unjust, he would venture to say, had never been made use of. For the satisfaction of the House, he would briefly mention what was the state of the case, and the nature of the transaction which had been so much misrepresented. When the order came from his Royal Highness the Duke of York, for the military stores, his Grace was then commanding a camp at some distance from London; on the first intimation of the Duke of York's requisition, the Duke hastened up to town, and gave the necessary orders. This was on the 6th of August. It is usual, when military stores are sent abroad, to freight a vessel or vessels belonging to the Ordnance office; to avoid delay, an application was made to the Navy Board, as in all probability the Commissioners might be able to fit out some ships for the purpose with more expedition. His Grace had pledged himself to have them ready with their stores, and at Ostend on the 23d of August. When Gentlemen considered the extreme difficulty and trouble in the execution of this business, it would be found a matter of surprise that they should have been got ready in so short a space of time, as to be fit for taking in stores on the 20th. They were ten in number, and were then ordered down from Woolwich (whither they had repaired) to Purfleet, to take in powder. They then sailed for Ostend on the 23d, and arrived there the 27th. Eight of them could not get over the bar, but two did. This was a correct statement of facts, for the truth of which he must pledge himself. *Mr. Sargent* concluded, with declaring that he should vote against the motion.

Mr. Jekyll said, he found it necessary to call the attention of the House to the motion which was the subject of debate. It did not relate, he said, to any particular person, but was merely for the purpose of instituting an inquiry into the conduct of the present miserable war; a war of artifice and delusion on the part of his Majesty's ministers. Having never yet learned how it began, as little could he foresee when it could have an end; and he therefore hoped, that if the motion was that night rejected, it would be made annually, and at the conclusion of every campaign, that the people might be informed to whom any mistakes that should occur were to be attributed. This was the practice in every State that could boast of its being represented; and when this country was better represented than it was at present, then it would require no great effort of

oratory to have a similar motion immediately and unanimously carried in the affirmative. A Noble Lord and an Hon. Baronet had talked of crimination, and had, notwithstanding, made long harangues in defence of their conduct; it so happened, however, that the motion that had been brought forward was by no means a motion of crimination, it was only a proposal to go into a Committee, in which the plans of his Majesty's ministers might be canvassed, not the conduct of the men who had carried those plans into execution. Such a motion was perfectly Parliamentary, and it was the refusal of it that shewed the corrupt and bad state of Parliament, and which he hoped to see much improved. The Noble Lord had stated, that it was by accident that he had any command at Toulon, and that he left it with regret. Possibly that regret arose from the Noble Lord's having found himself so very comfortable in his situation there. The Noble Lord had thought proper to attack his Hon. Friend with the title of Political Major; that House might recollect to have seen the Noble Lord in his political capacity as a Captain, and they might now behold him in his political Colonelcy; he must do the Noble Lord the justice to say that he had acquired the *hauteur* of his rank, though he could not agree, that, with all his prowess in the field (and he sincerely believed no British officer was more zealous or ardent in the service of his country), he was entitled to the dignity of veteran. Experience had taught him not to suffer the defences of men in that House to take much effect with him; for as they went only to particular points, in which they can have been concerned, the Public has no farther information than the confined evidence of their declarations. It was a paltry way of getting rid of the question, to heap up modes of defence in opposition to the manly manner of meeting the inquiry at once, calling forth the accusers, and confronting by authentic proofs the grounds of accusation. He contended that his Hon. Friend, who had made the motion, did not mean to criminate any officer; he merely called for an inquiry, which he must frankly profess, would, he believed, criminate his Majesty's ministers. In this he was strictly justified, as a Member of Parliament; for the present was a war that every man must deplore, when ministers for its support were driven to the unconstitutional expedient of requiring miserable benevolences from private individuals. After this explanation, he did not suppose that every officer in the House would think himself called upon to rise in his defence, or that the House were obliged to hear them all, when their conduct was not in the least implicated in the present question. When an Hon. Gentleman (Mr. Jenkinson) had spoken of Prince Eugene, he hoped

hoped he did not mean to lay it down as a rule, that the House was not empowered or justified, if they thought he or our allies had erred, to inquire into the proceedings of the campaign in question. He trusted that the Hon. Gentleman would not contend that an inquiry should not be instituted into the conduct of the war, because he took upon him to assert that commerce was but a subordinate consideration, compared with our military character, when called into action. Did the Hon. Member mean to go the length of declaring that commerce should be abandoned, and that it would be more beneficial to the country to have the natives militarized, as trade was merely a languid instrument to her prosperity? Mr. Jekyll concluded with declaring that he should give his hearty assent to the motion.

Colonel Macleod said, he thought an Hon. Gentleman (Mr. Sargent) had given a very good reason for his defending the conduct of the Master General of the Ordnance; but he believed it was a reason that would have very little weight with any other person acquainted with the circumstances.

The Colonel adverted to the speech of the Hon. Baronet (Sir James Murray), for whom he professed the utmost personal respect, but could not help remarking, that there was a striking resemblance, which every Member must have perceived, between the speech and the dispatches of the Hon. Baronet, both in point of length, obscurity, and inconsistency. In the first place, the Hon. Baronet had stated, that 100,000 men, employed in a siege, could do no more than 50,000. A singular and an extraordinary position! When a great number of men are employed for covering, others for working, others for forming the trenches, a great number for working the batteries, &c. &c. &c. it must be surely strange that all these operations can be performed better, and with more dispatch, with a small quantity of men than a larger.

Another novel argument was, that Bergues was a fortress of such infinite importance, that it surpassed the citadel of Dunkirk; and that consequently Dunkirk, if it had surrendered, could not be retained, unless we had gained possession of this important place. If Dunkirk, he remarked, was untenable without the fortification of Bergues, which it would take three weeks to subdue, how ridiculous to attack Dunkirk at a time when the Hon. Baronet admitted the season was too far advanced to attack Dunkirk, and when, of course, though we had gained a momentary possession of that fortress, we could not retain it, as we could not, at that season, capture the neighbouring important fortification of Bergues; or why was not a detachment sent from the Prince of Saxe Cobourg's army to

reinforce the Duke of York, if these places were of such importance? He said, that when speaking on this subject, he wished not to address himself to military men alone, but to men of *common sense*.

The Colonel made a general appeal to the feelings of the House, when the Hon. Baronet made use of the extraordinary expression that he had "a vast deal of pleasure that our troops had been defeated!" He had heard of pleasant victories, and had seen both victories and defeats, but till now he had never understood, either from history, from officers or soldiers, that *a defeat was pleasant*, and therefore wished for some proof to convince him. The next thing he desired to be informed of was "the brilliant success of our arms." Was the Hon. Baronet's instance of the pleasant defeat to be classed amongst the brilliancies? One action had been frequently alluded to, as a proof of our gallantry and brilliant success; the affair of St. Amand, which took place in a wood, where the guards had been "pleasantly" defeated, but where a serjeant-major behaved most gallantly. For one, the Colonel said, he was sure, that whenever the British forces were engaged, they would always act with that gallantry, which was the character individually, and collectively, of the British nation; but what he contended for was, that, during the whole campaign, they had scarce an opportunity of shewing that bravery which he had long known they possessed. One action he could not but commend; in that our troops had an opportunity, and they used it. He meant the action under the command of General Lake, an able and accomplished officer, of admirable talents, to whom the praise and thanks of his country were eminently due. General Lake was sent to reinforce the Dutch at a most critical moment, who, on his arrival at the place of appointment, had previously left it, and the place itself was found in possession of a stronger force than he expected, and for which his detachment was unequal. What could he do? To retreat was dangerous. With the promptitude and ability of an experienced commander, he instantly decided to attack the enemy; he did so, and repulsed them.

The Colonel said, he knew not why an inquiry should not be made, since it was highly proper that the people should know the real extent both of their good and bad success. His Hon. Friend, who brought forward the motion, had formerly moved for the returns of the killed, and he was equally at a loss to know why they should be withheld: If to prevent the enemy from the knowledge of our losses, it was fruitless, as both at Dunkirk and Toulon they must be sufficiently informed in that respect already; and if the returns were withheld to

delude the people, he suspected they would know but too soon. At the same time he should be equally against such a motion, if it had any reference to a projected expedition, which remained to be carried into execution.

Sir James Murray said, a short explanation on his part would answer the objection the Hon. Colonel had made, as he had mistaken every assertion which he repeated. Generally speaking, he knew full well, that any given military force was better than half the quantity. What he had said was, that a sufficient force to conduct a siege being admitted, no addition of number would accelerate the reduction of the fortress an hour. The Hon. Colonel, in his statement, had supposed that there had not been a force already sufficient. With regard to Bergues, he had said, the grand army could not have returned to the seat of their former operations, in time sufficient to prosecute any further siege, if they had advanced with the Duke of York's army to Dunkirk, which then must have been made a main, and not a secondary or subordinate object.

The affair of Famars, *Sir James* said, he had not mentioned as a *retreat*, and therefore could not explain what he had never uttered. The brilliant exploits of the British troops were to be looked for in those actions in which they co-operated with the distinguished effect he had mentioned, and particularly in that of Lincelles, the only one beside Dunkirk in which they had been singly engaged; and in the circumstances of the late affair, though a retreat skilfully conducted, not only did not detract from the credit of an army, but in many cases conferred as much honour as a victory.

Mr. Canning said, the motion before the House appeared to him to be the only manly and decided attack which had been made upon Administration in the course of the session, notwithstanding the loud and repeated menaces of Gentlemen on the other side of the House; the Hon. Mover therefore deserved his thanks for the manner in which he had brought the business forward. He could not but observe, that the Hon. Officer, who had recently sat down, had made a distinction between military men and men of sense. So little he owned did he understand of the speech made by the Hon. Colonel alluded to, that he began to consider himself rather as a military man, than a man of common sense; he felt it beyond the reach of his faculties to collect the meaning, or comprehend the drift of the Hon. Officer's argument. The Hon. Mover of the question had stated, that the House, and his Majesty's ministers, ought, in his opinion, to consider themselves obliged, by having been afforded an opportunity of defending themselves on the subject and occurrences of the war. He was of opinion,

opinion, that they would indeed be wanting in gratitude, if they did not manifest their obligation, as the motion gave them an opportunity of doing that, which, of all other things, they solicited, an opportunity of vindicating themselves against unfounded aspersions, and of triumphing over the puny attacks of their adversaries. The Hon. Gentleman who had made the motion, involved two questions, to which he thought it incumbent on Gentlemen to reply: First, as to the military operations of the campaign, particularly with respect to Toulon; and secondly, as to the object of the war itself. Upon the first of these, Mr. Canning said, he did not conceive himself thoroughly qualified to animadvert; with regard to the second, he did not conceive that sufficient grounds had been laid down by the Hon. Major, to demonstrate the necessity of instituting an inquiry. The last opinion was confirmed, he declared, by the doctrine advanced by the Hon. Major, and by the unanswerable arguments used by his Hon. Friend (Mr. Jenkinson).

The acquisition of Dunkirk was admitted on all hands to be essentially necessary; but nothing had been stated sufficiently urgent to influence him to vote for a Committee of Inquiry, to shew that the failure of the attempt against that important place was owing to any misconduct, either on the part of those employed in a military or civil capacity, for facilitating its reduction. Gentlemen on the opposite side of the House had repeatedly asserted, that the object of the war had never yet been defined; it was manifest, however, that it had been clearly defined at Toulon, as explained by a Noble Lord (Mulgrave); the Noble Lord's definition turned out to be such as the Hon. Gentlemen opposite did not approve, because it did not answer their own statements.

By the declaration of Lord Hood at Toulon, ministry had only bound themselves to keep that port and the ships for Louis XVII. or whoever might come to the Throne of France; but such an agreement did not contain any express stipulation to be actively assistant in bringing about the restoration of Monarchy. It was certainly natural to suppose that a monarchical government would be the rallying point to the people of France, as both history and experience evinced that the domination of an individual was the best method of terminating the yoke of an intolerant democracy. Under this impression the Convention always regarded the loyalists as their enemies; and under the same conviction the British ministry had required a specific declaration in favour of regal government from the inhabitants of Toulon.

Opposition, he observed, had asserted that it was imprudent in ministers to expose, by their treaty with Sardinia, that the
restitution

restitution of Savoy was their object: If it applied in this particular instance, he asserted, that it equally applied to every other occurrence during the war, and therefore a Committee of Inquiry was contrary to their own doctrine. Gentlemen, he said, had thought proper to employ a good deal of whining cant in speaking of the misfortunes of war. Their sensitive feelings would not permit them to bear the idea even of destroying that beautiful system, that delightful government, distinguished for its humanity, philanthropy, and religion, which at the present time prevailed in France. If the House were to look into the history of the human heart, they would see, that, like nations, where ambition was its primary object, anarchy and confusion must ensue; if it were the object of this country to make peace, it must wish for the establishment of monarchy, which government always tended to uniform mildness and universal advantage. The conduct of Government proceeding from their wishes to aid the loyalists at La Vendée, was, to say the least of it, laudable in the extreme; their object was monarchy, which the history of the world must convince them, was the *sine qua non* of peace. He lamented the niggardliness of ministers, that did not suffer them to grant all the papers required by Opposition. The list of killed and wounded, if laid on the table, would doubtless afford ample room for feeling declamation. "It would be shocking to find that saltpetre, dug from the bowels of the earth, should lay so many fine fellows low." A learned Gentleman (Mr. Jekyll) in contemplating the list, might say, if it were not

"For these vile guns, I would myself be a soldier*."

Mr. Canning declared, he did not think it an unfair argument, to examine the conduct of Administration during the campaign, and contrast it with that which Opposition, were they in power, would probably have held. We should "have a peace with France," and should cement our alliance with the blood of kings. We should be at war with Russia, Austria, and Prussia. We should have conspired against the liberties of Poland, and have plunged that country into a war. They who subscribed towards the support of that country, while they denied subscriptions towards the preservation of their own, would have shewn themselves her determined enemies; instead of passing the Alien Bill, and the Act for protecting French Property in our Funds, we should have our towns filled with French citizens; and in the place of English Bank notes, our cities would be swarming with French assignats.

* Hotspur's expression in Shakspeare's Henry IV. Part I.

Sir William Yonge opposed the motion, stating it to be his opinion, that there were no good grounds for instituting the proposed inquiry. The war, as far as he could judge, had been wisely conducted in every quarter; and in a period of public danger and exigency like the present, *Sir William* said, it became the House and the country to support ministry in the measures which they had adopted for the ensuing campaign.

Mr. Courtenay requested the motion to be read; which being done, he said, his reason for it was to judge how far it was applicable to the whining declamation of the Hon. Gentleman who had lately spoken. He had woven together Toulon, Quenoy, Condé, Maubeuge, Valenciennes, Ostend, &c. &c. in such a large and capacious web, and embroidered it with so many flowers, as to make it appear a very showy and very captivating tissue. The plain truth was, that although there was a great difference of stuff in it, it was altogether so flimsy, so gossamer, so cobweb-like, that it was the very worst production of the worst species of our manufactures.

Mr. Courtenay adverted to the declaration of *Mr. Canning*, that "if the Gentlemen of Opposition had been in power, there would have been no war." He confessed it, and supposed that the Honourable Gentleman had brought this forward as a charge of crimination, which was in fact a high and honourable compliment. Of course the Honourable Gentleman then attached a merit to the war and to its continuance. He was afraid ministers would not thank the Honourable Member for this remark, because they had always hitherto screened their conduct under the necessity of carrying on the war purely on the ground of having entered upon a defensive war. Perhaps the Honourable Gentleman, having so recently been in habits of intimacy with them, might be better acquainted with their system of hypocrisy than others were; still he feared the Honourable Gentleman was but a novice with them, a sort of apprentice in their ways; and though he might have got hold of some of their secrets at convivial meetings, without being particularly enjoined to be silent, still they could have wished that he had discretion enough to know when he ought to speak out, and when to hold his tongue. He owned however, that he could not but be pleased with it, as the young Statesman had spoken justly, perhaps through accident or inadvertency. In regard to the rest of the Hon. Gentleman's speech, he had endeavoured to catch the spirit of it, but so soon as it was poured out, it evaporated. He strove then to condense the thin floating vapours, and make them palpable, but all his endeavours were in vain, they defied the

the powers of chemistry, consisting chiefly of such words as Dunkirk, Toulon, Noble Lord, Military Men, and Common Sense, of which last article very little was to be found. The Honourable Gentleman had disclaimed his rank in the military class, and to prove he belonged not to the other, he had acted differently from his species. He must, therefore, be of the epicene gender; something between a bird and a mouse.

Another Hon. Gentleman (Sir James Murray) had talked much upon the brilliancy of our successes at Valenciennes, Condé, and Quesnoy. The Hon. Baronet ought however to have recollected, by what means these places were taken. They were taken in consequence of the treachery of the French General Dumourier, without which none of them could have fallen; at a time too when the Republican army was disorganized and disbanded. Every General, he observed, like Fayette, if the principles of government were in his opinion unjust, had a right himself to retire, but not to betray others. When Dumourier revolted, the Republican army consisted only of 17,000 men: What was its number now?

Mr. Courtenay took notice of the laboured defence of the plan of operations before Dunkirk, and observed, that the present motion went not to inquire into the measure of those who conducted, but of those who projected it. The plan was formed in the British Cabinet, and the Right Honourable Gentleman opposite (the Chancellor of the Exchequer) advised it. (*A cry of No, No.*)—Nay, he himself had avowed it during the course of the present Session.—(*The cry of No, No, continued.*) Would the Right Honourable Gentleman, or any other Honourable Gentleman, presume to step forth and deny it? There might be some error, though there was a strong belief to the contrary, in which case it would be both reasonable and polite to retract it.—(*All silent.*)—It was formed then in the Cabinet, and contrary to Prince Cobourg's opinion, and the opinion of other able officers. The Right Honourable Gentleman probably wished to shew himself as great a General as Nouvois! Probably he considered, too, how smuggling would be depressed, and the fair sale of brandy promoted. The Right Honourable Gentleman had, however, by this unlucky advice, been the cause of all the subsequent misfortunes of the campaign; for the Prince of Cobourg, who was at that time blocking up Maubeuge, was afterwards obliged to raise the siege; and the reason of this change was the weakening of his army, by the detachment of between 30 and 40,000 men to march with the Duke of York to Dunkirk.

Mr. Courtenay took notice of the defence of the Noble Duke (at the head of the Ordnance) by an Honourable Gentleman (Mr. Sargent) who had so gratefully discharged all obligations. It did the Honourable Gentleman's heart honour, but let the House consider upon what grounds he had rested the defence of his Noble Patron. The Honourable Gentleman had said that the stores were ready in time, that application had been made to the Navy Board for the conveyance, and that the transports were in time supplied. Let the evidence, continued he, be laid upon the table, and then we shall know whom to blame. What does the House do in cases of this nature? Refuse inquiry! Something ought to be done even for the singularity of the thing. If, said Mr. Courtenay, the Right Honourable Gentleman will give some explanation, he will stand much higher in my opinion than he has hitherto done, if that be of any consequence; and although he stands very low indeed at present, to be raised higher will be something.

Mr. Francis said, he did not mean to enter into any arguments upon the present question, but felt himself particularly called upon by a young Member who had spoken lately, and had introduced a subject in no wise connected with the question—the subscriptions for Poland. Mr. Francis declared, that he had taken an active part in that business, and it was supported by the most respectable characters in the country, of all parties, from a conscientious motive of its rectitude, and a desire to engage their utmost exertions in a cause that called for the sympathy and the feelings of all mankind. There was, he was glad to see, one Member present who had, much to his honour, exerted himself in that cause; there might be more present who knew that it had been taken up by the Lord Mayor, Sheriffs, and Aldermen, of the city of London, and no one act had ever reflected more lustre upon the magistrates of that great metropolis. The reasons why he entered into that subscription, Mr. Francis said, were, that he thought that it was constitutional, legal, and honourable to the character of the nation. When he refused a contribution to his own country, it was because the mode of application for that contribution was *unconstitutional*. He therefore had no right to do it. It was also *unnecessary*, which was an additional reason. So long as it was the peculiar privilege of the House of Commons to do the business, he should certainly think it *unnecessary*. The young Gentleman, who had but just escaped from his schools, and his classics, and was not yet conversant in the laws and constitution of his country, had imprudently delivered sentiments which tended to

to degrade him, and lower him in the opinion of the world. (*Call to order.*) He said he meant nothing personal to the Honourable Gentleman, but merely to express his abhorrence of such sentiments, and that he was the more sorry they should come from a young man, being so much unlike the candour and liberality which it was usual to meet with at his time of life.

Mr. Canning explained: He said he meant no reflection on those who had subscribed for Poland, but thought it was a nice distinction to subscribe in that instance, and not to subscribe when called upon for the support and safety of their own country.

Mr. Alderman Anderson, feeling himself called upon, said, that he was Chairman of the Committee who recommended a subscription in favour of *Poland*, and at the same time one of the Sheriffs for Middlesex. He had taken an active part in the subscription, because he gloried in supporting the cause of liberty; and he conceived he had acted a laudable part on the occasion; but though the Hon. Gentleman (*Mr. Francis*) and he then concurred in opinion on that subject, at this period, he believed, they widely differed: The Alderman declared himself to be a strenuous friend to the public measures at present adopted by Government, and consequently countenanced the contributions which had been condemned.

Mr. H. Addington (the Brother of the Speaker) defended the conduct of the campaign, and said the only instances in which we had been unsuccessful were at Dunkirk and Toulon. He could not see the use of moving for an account of the stores left at either; because, admitting the quantity to be great, it would furnish no presumption against ministers that they had not provided ample means for the operations to be performed, and every man knew that the eventual success of military operations did not depend altogether upon necessary provision for the service, or gallantry and skill in its execution: Chance and circumstances that neither prudence could foresee, nor caution guard against, often determined the fate of the best-fought field. *Mr. Addington* confessed himself little acquainted with the rules of the House. In his opinion the more proper way, for those who imagined a degree of culpability existed in some department of the State, would be to institute an investigation into the conduct of ministers, followed up by an impeachment, if, after due investigation of facts, such a proceeding should appear to be necessary. He observed, that three months had been suffered to elapse without a motion, either for inquiry or for censure, which implied, that either there was no obvious cause of complaint, or that,

if there were, they could not properly bring it forward, or establish it by proof. He bestowed high panegyrics on the Duke of York and Lord Hood, and hoped the war would be prosecuted till the security of this country, both internal and external, was fully ascertained.

Mr. Thompson endeavoured to explain *Mr. Francis's* opinion of the Polish subscription, which he argued thus; that Poland was oppressed, and struggling for her liberties; she consequently deserved relief; whereas it was notorious that England was not oppressed, and therefore contributions in support of this country were the more useless.

Mr. I. H. Browne said, Parliament could have voted money for the Poles as well as for any other purpose, had it been thought proper; and therefore there was no reason for that subscription, which did not apply more forcibly to the subscriptions now proposed by ministers.

Mr. Fox declared, that so very little had been said on the ministerial side, and so much on that of Opposition, he found it unnecessary to enter into a wide field of discussion. He bestowed many encomiums on his Honourable Friend for the able manner in which he had brought the business forward. In his opening speech he had evinced much military skill, as well as considerable powers of reasoning; and, in fact, had treated the whole subject of debate in so forcible and masterly a manner, that he had left him little hope of giving illustration to the question by any thing which he could advance.

With regard to the failure against Dunkirk (which they all lamented as exceedingly disastrous to the British arms), he rejoiced that no insinuation had been made in the smallest degree disrespectful to the character or conduct of his Royal Highness the Duke of York; and that after the raising of the siege, West Flanders had been recovered under the Prince's immediate orders. What man could do, he had done; but, apprehending that his Royal Highness had not been properly supported from home, the Honourable Mover called for an inquiry. If ministers were innocent, they could not surely dread an investigation of their conduct; if guilty, however they might be able to gloss over and conceal the fact for the present, the truth would appear at some future period; and the memories of those who had been instrumental in our disgrace, would be consigned to the obloquy which they deserved. Whatever certain Gentlemen might think proper to insinuate, *Mr. Fox* denied that the characters of the British soldiers had been that night treated with harshness, severely scrutinized, or in any sort calumniated.

Every man readily admitted, that no degree of culpability was attached to the officers or privates in the British army; but every man did not admit, that, by the resistance made by those in power to the present motion, the conduct of ministers was completely vindicated. The efforts of the British army had induced no diminution of national character in Flanders; he was apt to concur in opinion with the Hon. Mover, that those efforts would have been more successful; more splendid, and more glorious, had they been properly supported by the Ordnance and Navy Boards. Among the exertions of the British arms, the action at Lincelles was the most memorable of the campaign; and he rejoiced in this opportunity of concurring with others in bestowing that praise on General Lake which he so highly deserved. His admiration of the conduct and valour displayed in that action, was not less enthusiastic than that of any man who extolled them the most; nor the more, but certainly not the less, because he had the honour of numbering the gallant officer who commanded among his friends. While the military achievement at Lincelles was, however, dwelt on with all the exultation which it so justly merited; while the British arms collectively were declared to possess all the intrepidity which animated our ancestors; while they appeared formidable against the enemy, when obliged to act even in small bodies; he would maintain, in the face of the House and the country, that such desperate expedients were no proofs of a successful campaign, no reasons for the continuance of the war. After the capture of Valenciennes, Condé, Quesnoy, Famars, and other places, the combined armies, when they flattered themselves that their power was irresistible, suffered some humiliation by their retreat from Dunkirk and Maubeuge. These calamities, attended by the disgraceful evacuation of Toulon, were surely, he contended, no proofs of a glorious campaign.

The Noble Lord (Lord Mulgrave) had admitted the evacuation of Toulon to be a misfortune. This of itself was ground for inquiry, but had never been urged as ground for censure, unless inquiry should shew that there had been misconduct. The Noble Lord thought also that the misfortune might have been avoided if the aid expected from our allies had been furnished, or if the succours ordered by ministers had arrived. This proved the necessity of inquiry, for it was material for the House to know in what manner the plans of the ministers had been frustrated, whether by the fault of ministers, or of any other person. We had promised protection to the people of Toulon, and if on the evacuation we took away all those who were desirous of coming away, a circumstance on which the

the numerous subsequent executions there cast a considerable degree of doubt, we had the less to lament in our failure. The Gentlemen with whom he acted, Mr. Fox said, had repeatedly urged that better force should be sent; and the Gentlemen in the service did expect that some measures would have been pursued which had been adopted by the British Cabinet, but were never executed. What was the reason they were not executed? Were ministers afraid of making too great a sacrifice? No sacrifice, in his opinion, could have been too great upon such an occasion. Rumours had been circulated, as to the negligence or misconduct of our allies during our keeping possession of that place; which was another reason for going into an inquiry. If our allies did not give us all the assistance they might have done for an object so important, it concerned the national honour to shew the world that we had not failed from our own fault, but from their backwardness. It was also matter of policy for the House to know whether or not the Emperor, the ally on whom we must chiefly depend in future, had promised aid, which on another view of circumstances he thought proper to withhold. If the cause of this impediment can be shewn, if it can be satisfactorily proved that they were defeated by wind or weather, or by the neglect or incapability, or lax exertion on the part of the allies, he should think it sufficient reason for inquiry, and call for justification.

With respect to the question asked by an Hon. Gentleman, what he and his friends would have done had their counsels been followed, he should only observe, that the querist answered himself, for he immediately added, that all their motions in that House led to peace.

An Hon. Gentleman (Mr. Jenkinson) had been so good as to favour the House with his opinion as to the best mode of attacking France, and had told them, that the object of the war was Paris; and that in order to get thither, they must have a war of posts, and win their way town by town, breaking through what had been emphatically called the iron frontier of France. He did not intend to question the choice of the means if such was the end. But a more melancholy prospect could not well be presented; and Gentlemen who at present believed that Paris must be taken before we could look for peace, would, he imagined, go home with less sanguine hopes of a speedy conclusion of the war, than they had hitherto entertained.

Mr. Jenkinson said, he spoke only his individual opinion, when he said that the Jacobin faction must be destroyed in Paris; that therefore, in his judgment, our object was to carry

carry our arms to Paris, which could only be done by a war of posts, and winning our way town by town.

Mr. Fox said he understood so.

The Chancellor of the Exchequer said, he had every possible reason to be satisfied with the arguments on this occasion, and with what, he trusted, must be the decision of the House. When the Hon. Gentleman gave notice of his motion, he threatened to prove, that every attempt in which British councils and British arms were distinctly employed, had been unsuccessful. The House would recollect, that he had promised to meet the Hon. Gentleman on this ground, and dreaded not the force of his proofs. The Hon. Gentleman had saved him the trouble, by relinquishing the greater part of it. If he had no other reason for thinking so, the time chosen for making the motion would alone have convinced him that he had little to apprehend. Had solid grounds for censuring ministers been easy to be found, the Gentlemen who sat opposite to him were too well disposed, too active and industrious, to have been three months in bringing them forward. A motion for inquiry into the conduct of the last campaign, could have been usefully made only to discover past errors with a view of correcting them; or, if those errors were so gross as to prove ministers unfit to be trusted, to have persons called into the executive departments more capable to plan the next campaign. This he was satisfied could not be meant when he heard the Hon. Gentleman confine his motion to Dunkirk and Toulon. In none of the operations in Europe had British arms or British councils been distinctly employed. Out of Europe, where his Majesty's troops acted singly, every operation had been successful. The French had been driven from the continent of India; they had been dispossessed of their share in the Newfoundland fishery; the island of Tobago had been taken; and the present great progress made towards acquisitions still more important in the West Indies, under the command of officers whose zeal and abilities afforded the greatest confidence of a speedy and complete success. When he recollected all this, he could not but admire the discretion, if not the candour, of the Hon. Gentleman, in confining his inquiry to the operations in Europe only. But, narrowed as the motion was, he might have been dismayed by the blamings and bodings of the Hon. Gentleman, enforced with so much eloquence, had he not remembered to have heard the same eloquence employed in charging misconduct, and presaging disaster, after the first campaign of the late war in India. In another campaign, that war was terminated, and terminated confessedly as much to the honour of the illustrious Commander,

mander, who had raised his own reputation above that of any character of almost any age or nation, as to the advantage of his country. If the Hon. Gentleman should prove as bad a prophet on this occasion as he had done on that, he would no doubt feel as much satisfaction in the one case as he had felt in the other. The inconveniencies of inquiry during war were so great, that they ought never to be hazarded, except when the failures were of such magnitude as to argue incapacity on the part of ministers, or to occasion such distrust of ultimate success, as to produce a change of system. The failures at Dunkirk and Toulon were far from amounting to this. Of Dunkirk all that could be said was, that we had made one unsuccessful attempt. At Toulon, although we had not done all that could have been wished, yet what we did, was an instance of signal success. No man lamented more than he did that our success had not in each instance been more complete, but the cause was not attributable to the misconduct of the Government at home, but to a train of insurmountable difficulties, which no man could foresee. He repeated what he had declared on former discussions, that the blame respecting Dunkirk, if any, was not attached to the Boards of Ordnance or Navy alone, but to ministers collectively, who were equally responsible for erroneous measures. It was needless for him to attempt the vindication of the Navy Board; he would, however, affirm, from the first authority, that had the whole navy of England been riding near Dunkirk, the success of the army could not have been ensured. Every arrangement was formed to support the attack by land; and no effort at sea could have prevented the failure of the operation.

Previous to the evacuation of Toulon, we had a force which sufficiently shewed the attention and the diligence of ministers; nearly 17,000 men there in garrison. With regard to the evacuation of Toulon, every part of the proceeding manifested the utmost skill and ability in its conduct; every exertion had been made for the relief of the inhabitants; and, in proof of that, he was authorised to affirm, that no person, who expressed an inclination to leave that unhappy place, was abandoned in the hour of distress. If the unfortunate people who remained, and changed their efforts in favour of the Convention, thinking thus to work their salvation, had been deceived, and fell victims to the implacable resentment and sanguinary eagerness of the rulers of the Convention, that misfortune entailed no disgrace on the British ministry, or on British officers, but afforded a fresh proof of the horrors to be lamented as the prevalent characteristics of the existing government

ment of France. Those who embraced every opportunity to fully our glorious exertions at Toulon, ought, the Chancellor of the Exchequer said, to recollect, that if we had been obliged to abandon that place, we had, previous to our departure, given such an effectual blow to the French navy, that ages would elapse before they would be able to recover their losses as a maritime power.

The Hon. Gentleman, conscious that he could not make out his case upon the two points of Dunkirk and Toulon, had gone at large into other parts of the campaign, in order to shew that the general issue was so unpromising that it ought in prudence to deter us from prosecuting the war. This was the real question, and it had been so ably argued by other Gentlemen, that he should touch but briefly upon it. The British troops had effected the salvation of Holland; by stopping the progress of Dumourier, they had afforded the Austrian troops an opportunity of beating the French in the first instance, and afterwards assisted in driving them out of the Netherlands. None of these important objects were achieved without their aid, for they were landed in Holland before the Austrians passed the Roer. When the Netherlands were cleared, a general plan of operations was concerted; Condé, Valenciennes, and Quesnoy were taken; the French were driven from the strong posts of Famars and the Camp of César; and in two instances only, at Dunkirk and Maubeuge, the arms of the allies were wanting of success. Was this a plan of campaign arguing such incapacity as to call for an inquiry? In all these transactions the British arms co-operated. The veteran troops of Austria, much to their own honour, and much to the honour of the British troops, affected not to consider them as their inferiors in military skill, but employed them and acted with them side by side. If the British troops were baffled at Dunkirk, they had the comfort of knowing, what in any other point of view must be considered as a misfortune, that the collected Austrian army was baffled at Maubeuge. He saw nothing, therefore, to prevent British councils and British arms, from claiming their full share of glory; and he put it to the House, whether the issue of the campaign was victory or defeat, honour or disgrace? Was not our general situation with a view to future success much improved? Not so much as our hopes, it was true; for so great was the stake for which we were contending, that nothing short of complete success could satisfy public expectation. In fact, the rapid success of the first part of the campaign had thrown into shade the more substantial advantages obtained in the latter part of it.

When Gentlemen on the other side were asked what would have been the situation of the country had their advice been followed, they answered with an air of triumph—at peace. Would even a delusive and disgraceful peace have been the consequence of their measures? If it had, we must have borne the insults and aggressions of the French, incurred the disgrace of having abandoned our allies, and suffered the Netherlands to be wrested from the Emperor. The Right Hon. Gentleman had not said so in terms, but he had said that the war was unnecessary; and the only question was, Had not the French attempted all these things, and could they have been prevented but by war?

The Chancellor of the Exchequer gave each of the principal arguments advanced in support of the motion a pointed and direct reply, or put it aside with a sarcastic and severe rebuke; and after declaring, that whoever imagined that the allies did not concur with respect to the time and the force of the expedition against Dunkirk, were misinformed, and that nothing could be so unwise as to institute an inquiry into any supposed want of co-operation on the part of our allies, at a time when so much depended on their cordiality and goodwill, concluded with saying, that he should give his decided negative to the motion.

Mr. Fox said, he had never, by any speech or motion, given room to suppose that he was more inclined to abandon our allies, or undervalue the Netherlands as a barrier for Holland, than his Majesty's ministers. He had merely contended for the policy of trying to gain the points in dispute by negotiation, before we resorted to war. The minister had negotiated, and failed; and the only question now was, whether the mode of negotiating adopted by the minister was better or worse than that which he proposed.

Major Maitland, in reply, said, he wished the motion to have been in abler hands, and particular business prevented him from making it sooner. The operations of the war out of Europe had been still worse conducted. Was the attempt on Martinico forgotten? He intended to make that a separate subject of inquiry. If he was wrong in stating the arrival of the British troops in Holland, ministers had misled him. The same Gazette, that of the 4th of March, stated, that the British troops arrived there on the first of March, and that General Clairfayt passed the Roer, and defeated the French on the 28th of February. To this victory the Dutch themselves attributed their salvation. To grant all the boasted successes, he desired Gentlemen to look at the situation of the allies; the King of Prussia's secession; the Duke of Brunswick's resignation;

sion; General Wurmser's retirement; Prince Cobourg superseded; the Emperor in self-armed preparation; and the officers at variance. A Noble Lord (Mulgrave) had thought proper, the Major observed, to charge him with attacking absent officers, and to ask him how he would like to have his own military conduct attacked in his absence by some political Major?—Although his services had not merited so high a military rank, he was as old in the profession as the Noble Lord. It was no part of his character to say that, in the absence of any man, which he would not say in his presence; and he appealed to the House whether he had not expressly declared, that he imputed no blame to any of the officers employed on the services which were the subject of his motion.

The Major again trod over the ground of his argument, with respect to the proceedings at Toulon, and concluded with declaring, that whatever the decision of the House might be, he should always find a gratification in reflecting, that he had brought forward the motion about to be determined on.

The Chancellor of the Exchequer and Sir James Murray each said a few words in explanation; after which the question was put, and the House divided:

<i>Ayes</i>	—	35
<i>Noes</i>	—	168
<i>Majority</i>		133

Adjourned.

HOUSE OF LORDS.

FRIDAY, April 11.

In a Committee of the whole House, went through the Exchequer Loan, the Glass Duty, and the Marine Bills.

NEW MILITIA BILL.

The Order of the Day for going into a Committee upon the Bill to encourage and discipline persons who shall enter as volunteers for the internal defence of the kingdom in case of emergency, being moved,

The Marquis of Lansdown rose, in conformity to his notice to the House, that he would take the opportunity of that stage of the Bill to trouble their Lordships with a few words on the subject. He said he felt the necessity of endeavouring to explain his own conduct, as he found that great stress had been laid in his absence on the circular letter of 1782, which he had the honour, at that time, to sign as Secretary of State, and address to the Lord Lieutenants of counties, to the mayors and

declaring it was neither legal nor constitutional, and went most essentially to take away what had ever been considered the greatest privilege of Parliament. The exigencies of the present unfortunate war might require extraordinary means of support, and he should be as ready as any man to contribute his share in a legal and constitutional manner: But he had no idea of countenancing any unconstitutional method of forcing the money out of the pockets of individuals by ministerial influence, because it led to infinite mischief.

To shew how difficult it is to restrain the hand of power under the name of Benevolences, his Lordship gave the following as an instance of one of the many shapes it puts on, so as to make it almost impossible to get fair hold of it. Count de la Lippe having told him how much the little powers in Germany were under the sway of the greater powers, he asked the Count how this was possible, where the rights and privileges of all were so well defined? The Count answered, that this was of no moment; since, for example, if the greater powers wanted men, they would write the most civil and respectful letter imaginable, desiring half a dozen or a dozen of their finest people as recruits; which the little powers did not dare refuse. In Germany there was no remedy for this. In England, if a Gentleman of remarkably brilliant talents, and whose public-spirited principles might make him forget his private interests, should attack sinecure places and other similar evils, some cunning man might say, "Have a care; are there no such things as theatres in the world; and may not they be fit objects of taxation?" which was in plain words saying, before the Public, "Attack sinecure places, and your theatres shall be taxed; speak of our pensions, and you shall pay for the attempt." But if the German Prince had no remedy, the Marquis said he was proud to know, that in England, in this respect at least, such men had their resources. He hoped, that the Public itself would take care of any individual so menaced, and that his theatre would be made popular by it, so that instead of hurting his private property, it would be increased by it; or at all events, should any man, under such circumstances, suffer, he would become a fair object of public benevolence, and subscriptions; he hoped, would not be wanting to make him a double gainer. But though this might hold in singular instances, yet if ministers chose to set on foot schemes of subscription, timid men, wanting in brilliant talents to attract popular support, would have their money to all intents and purposes wrested from them by Government; or else, in a moment of false alarm, such as was propagated a year ago, if a subscription

subscription was planned by Government, and supported by their friends and dependents, what would become of those who declined subscribing?

The Marquis spoke of the active, voluntary spirit of several individuals in 1782, and particularly took notice of the offer of a ship by a Noble Earl*, whose zeal and ardour in the public cause at the time did him infinite honour. He defended the Earl from the calumnies that had been cast on him on the occasion, and said, he had himself suggested the paragraph † in the King's speech which alluded to that offer, and to the readiness shewn by the City of London, and in other parts of the kingdom, to stand forth in the general defence.

With regard to the present war, he must ever deplore it as one of the most unfortunate calamities, that ever had been brought on the country by the neglect and madness of ministers. The impossibility of our being able to carry on the war with any hope of success, was now obvious. Such, at any rate, was the general opinion on the continent. He spoke of the conduct of this country at Leghorn and at Genoa as altogether unjustifiable. Our treatment of the Grand Duke, in particular, he asserted, had been most shameful; we had obliged him to send away all whom we thought proper to proscribe as obnoxious persons, as well his own subjects as foreigners; nor had our behaviour to Denmark been less improper. What had been the consequence? the King of Denmark had been offered a noble subscription to enable him to rebuild his palace, lately reduced to ashes; but the King, with a patriot spirit, proposed to apply it towards fitting out his fleet to protect his neutrality; and his conduct had been approved by Sweden, not complained of by Russia, and he believed it was not disliked even by Prussia. The Marquis declared, that he would not enter on the subject to which he was about slightly to allude, because he would avoid affording any ground for an imputation of his having a desire to do mischief; but he could not help sincerely wishing that all was well in America and elsewhere. His Lordship said, it was impossible for him to imagine how long ministers meant to persevere in the hopeless contest in which they were engaged; but if they thought such subscriptions, as their circu-

* Lord Lonsdale

† The paragraph was as follows: "This respectable state, under the blessing of God, I attribute to the entire confidence which subsists between me and my people, and to the readiness which has been shewn by my subjects in my city of London, and in other parts of my kingdoms, to stand forth in the general defence. Some proofs have lately been given of public spirit in private men, which would do honour to any age, and any country."

lar letter called for, would supply them with the means of continuing it to any extent, he believed they would find themselves miserably mistaken.

Lord Abington rose, and addressed the House substantially as follows: "My Lords: Happening to be in the country when the motion was made the other day by a Noble Earl of this House, "for censuring the Measure of granting to the Executive Government any private Aid, Benevolence, or Subscription, for public Purposes, without the Consent of Parliament," and having formerly (that is in the year 1778) moved a proposition of like import to your Lordships, and troubled the House with my sentiments upon it; it is for this reason that I have now upon the late occasion to regret my absence from the House; for meaning, had I been present, most decidedly to have voted for the previous question, that was then put and carried, I should at the same time have had the opportunity of explaining the reasons and motives of my vote.

But let it not be presumed, that, in giving this vote for the previous question, I should, in any one word or thought, have changed the opinions which I had before held and maintained; they were too well grounded on facts, and too well supported by authority at the time, for me, by any novel arguments now, to have departed one iota from those opinions; facts which the country has ever since had abundant reason to deplore, and authority, the greatness of which none will dispute, when I say, that I have now the satisfaction of having in my possession a letter to me, from that great and illustrious statesman the late Earl of Chatham, in which he not only approves the measure, but "laments his incapacity of not being able, from indisposition, to give his support in a matter," as his Lordship says, "certainly important, and well worthy of the public spirit that gives motion to the inquiry." There are other authorities too, that I could in the same manner avail myself of; but this authority alone is a host of itself, and sufficient for my purpose.

"I say then, my Lords, that this vote would have proceeded from no change of sentiment in me, for the cases not being the same, and the times materially different, there was no call for any change of opinion.

"The case of 1778 was, that Parliament was *purposely* adjourned, in order to prevent the interference of Parliament with the private subscriptions that were then set on foot for public purposes; whereas, in 1794, the Parliament is *purposely* kept sitting, with the view of legalizing (as the very Bill now before us proves) that which otherwise would have been, most undoubtedly,

undoubtedly, in my opinion, both unconstitutional and illegal.

"And as to the times, who is it that shall compare them together? At that time, that is in 1778, Parliament was making war upon our fellow-subjects in America, for the purpose of laying unconstitutional taxes upon them, and in so much, therefore, in violation of the constitution of this country. In 1794, Parliament is making war, upon our old, natural, and ever to remain, implacable enemies, the now *Sans Culottes* of France; and for the direct opposite purpose, not of violating, but of saving, our constitution from ruin and destruction. In 1778, then, subscriptions were had for illegal and unconstitutional purposes; in 1794, they are had both for legal and constitutional purposes.

"These, my Lords, would have been my reasons for the vote I should have given for the previous question, and these are my consequent reasons for the vote I shall give for this Bill."

[In the course of his speech, his Lordship mentioned the memorable expression of Lord Lansdown towards the close of the American war, that "he feared the *sun of Great Britain* *would set for ever*." He also mentioned his having voted for the peace made by the Noble Marquis, and so, he said, he would have done if the *Devil* had made it.]

The Marquis of Lansdown declared, he did not expect an attack from the Noble Earl, who had lived in habits of the utmost confidence with him during his whole administration: It was true that he had used the expression alluded to, and he had not the smallest hesitation to confess that he had been mistaken. He was heartily glad that the country had survived the loss of America; it was a proof of her internal strength, and that, when all her dependencies were cut off, if she took care of herself, she would still remain a great country.

Lord Grenville began with observing, that the Noble Marquis had received a bad report of the debate that had taken place in his absence, or he would not have been led to imagine that the measure of the present year had been defended on the measure of 1782, and on no other ground whatsoever. So far from it, the measure of the present year had been defended in a most able and eloquent speech by a Noble Friend near him (Lord Hawkesbury), on the ground of law and the constitution; defended on the high authorities of Lord Bacon, Lord Hardwicke, and Lord Mansfield; defended by precedent, by authority, by reason, and by argument. Did the Noble Marquis mean to set up his opinion, that of an individual, as paramount to the opinions of Lord Bacon, Lord Hardwicke, and Lord Mansfield? Sure he was, that the Noble Marquis had no such

intention, that he did not mean to resist the constant and uniform stream of practice that had been pursued ever since the family of the House of Brunswick sat upon the throne of these kingdoms, and that the mistake of the Noble Marquis must be imputed solely to the extremely bad report that had been made to him with respect to what had passed when the subject was last under discussion. The measure recognized by the Bill before their Lordships, was a measure, that, in all wars in which this country had been engaged, had been resorted to by our most able statesmen; it had been adopted by Mr. Pelham, by the late Earl of Chatham, and by the late Lord Guildford; the policy of it no man could reasonably question. Much pains, however, had been taken to prove a difference in the two letters, that of 1782 and that of 1794. In what did it consist? In point of principle, policy, and effect, they were precisely the same. In justification of his own measure, the Noble Marquis had read the opinion of the late Lord Ashburton, a private paper as he supposed; and whether great credit was due to it or not, Lord Grenville said, depended on the manner in which it had been given, as their Lordships well knew what wild opinions were sometimes given by gentlemen of the law. That the letter of 1782 was understood to mean that a subscription was necessary, was evident, from the answers of not only one or two individuals, but from the Mayors of Doncaster, Yarmouth, Leeds, the Magistrate of Sheffield, and several others, in which places subscriptions were actually begun. As the Noble Marquis had the answers in his hand, the House would certainly have been informed, if they had contained any other conclusion; instead of that, the Noble Marquis had expressed himself displeased with the answers that had been alluded to, and had said, that mayors, bailiffs, portreeves, and constables, were ignorant men, and did not understand his letter, and yet the Noble Marquis had addressed it to those ignorant persons, although he had that day told their Lordships, that the sense of the intelligent Public upon the point, was to be collected from the Lords Lieutenants of counties, to whom his Majesty's ministers had sent their letter of the present year—

The Marquis of Lansdown spoke to order. He must interrupt the Noble Lord. He had said no such thing. He knew to the contrary. On the occasion alluded to, he had reason to find that there was great good sense in Mayors, Bailiffs, and Portreeves; he had only said, that there were two or three who misunderstood his letter. In such a declaration he did not intend to cast the smallest reflection on that description of people; they by no means deserved it, and especially from him. He would however pursue the matter no farther then, but

but reserve himself for a reply to any thing that might fall from the Noble Lord, which should require an answer.

Lord Grenville resumed his speech, and declared himself happy to learn that no such insinuation had been intended by the Noble Marquis. He thought much real information was to be procured from the Mayor of a Corporation, as well as from a Lord Lieutenant of a county. With regard to the two measures, he must, his Lordship contended, maintain that what he had before said respecting them was undeniable, *viz.* that they were the same in policy, in principle, and in effect. The Noble Marquis had maintained, that the object of the letter of 1782 was to consult those to whom that letter was addressed, upon the propriety of arming the people, and that it did not suggest a subscription or call upon the subject for money, whereas the present measure proposed a subscription. This, his Lordship said, was a mere cobweb distinction, the flimsiness and fallacy of which a moment's reflection would enable any man to detect. The object of the two measures was clearly and unquestionably one and the same; because calling upon individuals to arm themselves, and recommending it to them to promote a subscription for that purpose, must in the end cost the subject money, and no man could tell him, that there was any difference between subscribing a guinea, or subscribing a musket, by taking the guinea to a gunsmith and buying one. On what grounds of reason or common sense therefore could it be asserted, that to suggest a subscription to a body of people for the purpose of local defence, was a gross violation of the constitution, and to request the same people to arm themselves with a view to the same object, was perfectly legal and perfectly constitutional? Having by powerful arguments manifested, that the distinction attempted to be set up was a distinction without a difference, his Lordship proceeded to take notice of that part of the Marquis's speech in which he had animadverted upon an Honourable Gentleman in another House of Parliament (Mr. Rose), because he happened to be in possession of certain official emoluments; and because he had reminded another Honourable Gentleman in the same House (Mr. Sheridan) that theatres were as liable to, and as fair objects of taxation, as sinecure offices or places, which from their nature might be deemed freehold property. It was to be recollected, Lord Grenville said, that the official emoluments enjoyed by the Honourable Gentleman in question, had been earned by long and laborious public service, and that the most lucrative office he had, was an office (that of Clerk of the Parliament) which his Majesty had been requested to bestow on him in consequence of an unanimous address from that House,

pointing the Honourable Gentleman out as the most proper person to fill it. With regard to what the Noble Marquis had said respecting another Honourable Gentleman, he agreed with him, that the Honourable Gentleman might become the object of a subscription, and possibly the fit object of a subscription, but he did not believe that there was any great probability of a subscription coming from the Honourable Gentleman on the present occasion. His Lordship again adverted to the letters of the Mayors of Doncaster, of Leeds, and of Yarmouth, sent in answer to the Noble Marquis's letter in 1782, and also to that of the Magistrate of Sheffield, as affording ample and undeniable proofs, that they understood a subscription to bear the expence of arming themselves as an essential part of the plan of the Noble Marquis. As to the foreign anonymous correspondence of the Noble Lord, it was extraneous to the question before the House, and he did not feel himself called upon to make any reply to it. In regard to the war, he felt the same sentiments that he had always done, that it was a war of necessity, a war that we were compelled to carry on without regard to the question of success, and a war that must be persevered in for our own security. In a war of conquest or ambition, it might become a question, how far that war should be pursued; but in the present we were fighting for every thing. The French rulers existed only by war. His Lordship said, that there was no comparison between their resources and the resources of this country. The comparison was abundantly in our favour. We must therefore persist, or forfeit our laws, our liberty, our religion, and our constitution!

The Earl of Lauderdale said, he had not meant to have troubled their Lordships with a single word, but he felt himself obliged to question the arguments of the Noble Lord who spoke second in the debate (the Earl of Abingdon), and to ask how he could have reconciled it to himself, had he been present, to have voted in the former debate for the previous question, after having moved such resolutions as he had done in 1778. The Earl read the resolutions moved by Lord Abingdon in 1778, and reasoned upon them at some length. He next proceeded to justify the measure of the Noble Marquis in 1782, and condemned that of the present ministers, contending that the Circular Letter of 1782 was dissimilar to that of the present year; that the former was legal, and the present unconstitutional. What he wished principally to take notice of before he sat down, the Earl said, was the very extraordinary, and, as he thought, indecent and unprovoked manner, in which the Noble Secretary of State had thought proper to allude to an Honourable Friend of his in another House of Parliament.

liament. The subscription entered into in that instance, was a mark of public approbation of the conduct of that Gentleman, whose whole life had been so well spent in the service of his country. It had nothing of party, nothing of faction in its principle; it was the voluntary tribute of public feeling to public merit. He would not, he said, enter into any length of discussion on so delicate a subject, but would appeal to the Noble Lord as an individual, and beg him, when he laid his head on his pillow, to ask his own feelings, whether, when he reflected on the expressions that had fallen from him, he could justify himself for so illiberal an attack, on a Gentleman* of honour, ability, and his distinguished character; if upon reconsideration, the Noble Lord felt no repugnance for his allusion, all he could say, would, he was well assured, have no weight upon a mind so steeled against every finer feeling; he hoped the words had escaped the Noble Lord in an unguarded moment. Before he sat down, the Earl observed, much had been said of the talents and services of an Honourable Gentleman, and great praise had been bestowed on him; all he could say was, that he never had seen the Clerk of the Parliament exercising those talents so much extolled. As the Public paid for them, their Lordships had a right to the use of his abilities, having addressed the King to appoint him to his situation.

The Duke of Leeds said he did not mean to condemn either the letter of 1782, or that sent by Mr. Secretary Dundas; he thought there was merit in both: But he could not agree with the Noble Earl near him (Lord Caernarvon) that the measure of 1782 and the present measure were one and the same, and wondered that he had rested so much of his argument in a former debate on the exact similarity of two plans, which had not any resemblance. This doctrine being held, somewhat alarmed him, because persons out of that House might draw this conclusion from it: The King, by his prerogative, has the right to declare war; and if these arguments are true, he can also raise men and money—*ergo*, he may declare war, and find the means of carrying it on, without the aid of Parliament.

His Grace said, he thought he had been forgotten as a Lord

* It is with the utmost deference that the Reporter presumes to offer his opinion of what is meant in argument during debate, and is understood by any other Noble Lord; but either the Earl of Lauderdale was in some error, or he himself was at the moment most egregiously deceived. It appeared to him, that Lord Grenville intended only to reply to what had fallen from the Marquis of Lansdown, in allusion to Mr. Sheridan; whereas it is evident that the Earl of Lauderdale conceived that Lord Grenville's remark, relative to a subscription, applied to a different, but not less distinguished character, in the House of Commons.

Lieutenant * by ministers, as he did not in the first instance receive the Plan, but the general Circular Letter had since explained it, and he found that other Lord Lieutenants received the Plan at the same time. With regard to the measure itself, he thought it a wise one, such as the circumstances of the times called for, and therefore in his opinion, his Grace said, ministers appeared to him to be entitled to the thanks and support of their Lordships.

The Earl of Caernarvon said, that the Noble Duke who spoke last had entirely mistaken what he had observed in a former debate. He never had asserted the plans to be similar; they certainly were not; they were each probably adapted to their respective occasions; but he said then, and still maintained, that the two measures rested on the same arguments for their legality; that the objections urged in the late debate against the present measure, applied with similar effect to that of 1782. It was urged by some Lords in that debate, that the two measures differed materially; that the present, in violation of the principles of the constitution, solicited money of the subject, and that the measure of 1782 did not require a shilling. He observed then, and nothing that had been said that day had shaken the observation, that as the requisition for money was deemed illegal, only because the money might be employed in raising men, a requisition for men, without consent of Parliament, was still more decidedly illegal; and this was avowed to be the object of the measure of 1782. The two measures, therefore, resembling each other in that article, were similar in principle, even if there was no requisition of money in 1782. But the demand for money was as distinct and unequivocal as in the present measure. Unless men, arms, accoutrements, and ammunition, can be supplied without money, it is impossible to maintain that the subject was not called upon to furnish money for those purposes: Both measures, therefore, were equally objectionable, or, as he contended, equally wise and legal. He could not help lamenting in the last debate the absence of the Noble Marquis, whose concurrence he expected in support of the present measure, his imagination not furnishing him with any substantial difference between this measure and that of the Noble Marquis in 1782. "In this expectation, however, he found he was greatly mistaken; for the Noble Marquis was not disposed to admit any merit in his own conduct at that period, if the admission led to establish similar merit in the ministers of the present day. He was desirous to overturn the solid basis on which the merits of both are jointly

* The Duke of Leeds is Lord Lieutenant of the East Riding of the County of York.

built, and rest his own separate claim on the frail and untenable foundation of a groundless distinction. Though he should thus sacrifice the merits of his own measure to involve that of the present day in one common ruin, he exclaims with the jealous fury of Virgil's heroine,

—— natūmque patremque

Cum genere extinxem: Memet super ipsa dedissem.

It will not be difficult to prove, that this would be the fate of the Noble Marquis's reputation as a patriotic statesman, if it really hung on the slender thread to which his indignation had suspended it. He trusted, however, that the Noble Marquis was safe, for though the ground upon which he chuses at present to rest must fail him, he has made no impression on the real merit of either measure. The Noble Marquis asserts, that the two measures differ essentially, so as to make the measure of 1782 constitutional, and that of the present day unconstitutional; and he grounds this assertion on a very curious inference, which he draws from a desire, expressed in the circular letters of 1782, to have an answer, with observations, from the several towns to whom they are addressed; and he concludes, that it must from thence be clear, that it was intended to lay before Parliament the digested plans. He asserts, that no answers or observations are desired in the circular letters and plans of the present moment; and, therefore, no intention existed of laying the plans before Parliament; but a criminal intention of raising men and money, without consent of Parliament, is manifested by the omission. It will be easy to reduce this distinction to its real weight, by comparing the two plans and letters: First, as if they neither contained this desire of an answer, and then examine what change will be operated by the insertion of this clause.

“ The two plans are not in their principles materially different, but if he did not admit that both of them, from the nature of the transaction, were necessarily intended for the approbation of Parliament, and if the proof of that intention was solely to be drawn from the internal evidence of the two plans and their letters, it would, upon the face of the measure of the present day, appear that it was intended for the deliberation of Parliament, for it could not possibly be effected without; and it would appear upon the face of the other, that it might be put into execution without the intervention of Parliament, and therefore did not necessarily imply its knowledge. The first proposition in the present plan is, “ to augment the militia as it was practised last war;” which was, by an Act of Parliament. The Noble Marquis will find it difficult to shew how ministers, if they were inclined to levy men and money without consent of Parliament, can augment the militia in the manner

manner stated, or even simply augment the militia, which is an offspring of Parliament, without an application to Parliament. No force, no power, no money, can extend the militia laws, or subject the men raised to those laws; Parliament alone can effect it. The men proposed to be raised by the remaining articles, are stated to be subjected to "the provisions of the Mutiny Bill;" this is equally impracticable by the operation of any power but that of Parliament, inasmuch as nothing but Parliament can make an Act of Parliament. The King might endeavour to do without a Mutiny Bill, or substitute some arbitrary measure in its room, but he cannot subject men to the provisions of the *Mutiny Bill*. [Lord Lansdown, in a low voice, said, "The same clause was in the measure of 1782."] The Noble Marquis is mistaken; there is no such clause in the plan of 1782; none from the terms of which this inference can be drawn. "I do not mean", said the Noble Earl, "that it was not intended, for I do not dispute the propriety of either measure. But in this miserable, narrow comment, upon words and sentences, in order to extract with subtilty a plausible imputation on Government, verbal criticism is the only defence; and there certainly is no clause in the plan of 1782, in terms referring to the Mutiny Bill. There is one that says, that the men raised are to be subject to military discipline, in the same manner as his Majesty's regular forces. Every article of the plan of 1782 may be put into execution without an Act of Parliament; and there is no mention of or allusion to Parliament either in the plan or letter. If, therefore, the proof of an intention to apply to Parliament must be drawn from the internal evidence of the plans and letters, the measure of this day would be supported by proof of the intention, and the measure of 1782 would be defective. Add to this, that the plan of the present time is (as the letter states) communicated to the Lord Lieutenant of the County, with a view to the augmenting the force; it is communicated to the person whom the King officially consults respecting the military force of the county; and who has official communication with the King and his ministers on that subject. It contains no orders or authority to take any immediate steps to augment; but is, in the words of the letter, a communication with a view to augment. No words can more clearly mark a consultation; there was no need of pointing out his duty to the Lord Lieutenant, or to mark out the channel by which he could convey his observations. The proposals of 1782 are sent directly by the Secretary of State to the Mayors of towns, the very persons who are to adopt or reject them; to persons who have no official communication with the King or his minister but by the channel then opened, and to which they are desired

desired to refer in the necessary answers, whether they adopt the plans as sent, or propose such improvements as the situation of the places may require, and which they are invited to make; and these are the only observations required in the fair construction of the letter; but in the distinct terms of the letter it is supposed that they may immediately *adopt* the plan if it suit them, *or make such improvement* as the situation of the place requires. Answers are in this case desired, because there was no other mode of being informed of any impediments to the execution of the plan in those cases where they could not be adopted. No answer was required of the Lord Lieutenants, because it was their duty to reply to all official communication, in a regular and known channel. But are we really to understand the Noble Lord, that waving all inference drawn from the nature of the transaction, which is common to both, that an answer being desired in 1782 implies, by virtue of the terms, an intention of consulting Parliament, and that the omission of those terms implies an intention to put the plans in execution without their approbation. The Noble Marquis might as well assert, that it supposes a reference to the Pope as to Parliament, to neither of which there is the most distant allusion in any part of the plan or letter. If this rule of construction is applied whenever similar words may occur, it would make terrible havock in the common conception of mankind in the ordinary intercourse of life. Would the Noble Marquis have his friends interpret his invitations to dinner by this rule which he applies to his invitation to the Mayors of towns to arm? If he should at the corner of his card add, "an answer is desired," are they to understand that he has not determined to give them a dinner, but only inquires into the state of their stomachs, in order to obtain an Act of Parliament to enable him to entertain them? These words become more significant than the nod in the Critic, alluded to by a Noble Earl on a former occasion, if they mean all that the Noble Marquis is pleased to infer from them. This may appear ludicrous, but it is not more so than the attempt to establish the distinction. An assertion of the Noble Marquis, for he has used nothing like an argument, cannot be met with serious argument. I have listened in vain for the proofs which I expected the Noble Marquis would produce in support of a position so extraordinary, but he has involved repeated assertions in a mass of extraneous matter, that neither applies to the Bill before us, nor to any part of that measure which he has made the subject of conversation, and to which he has summoned the House. Either this sentence requiring an answer with observations, must have the sense he gives it wherever it shall be used, or he will fail to

prove that it can have this effect in his circular letter. He must also shew, that it has no other meaning in the letter, for it is somewhat unreasonable to expect that we should refuse to these words the clear and distinct meaning and reference to the subject of the letter, namely, an inquiry whether they did adopt the plan, and whether they did require arms, &c. according to the choice given to them in the 8th clause of the plan, and in other parts; and, instead of that clear meaning, give it one that is not expressed, and has not the most distant allusion to any thing in the letter. Permit me to put another case, I am afraid too common; I do not mean it ludicrously, but it appears to me not to differ in a single shade from the supposition in question, and to be strictly applicable. Suppose a son, during the life-time of his father (who holds the purse with strict and jealous care), in order to supply the exigencies of the moment, should apply to money-lenders, and solicit them with various proposals to advance money, or *post obits*, annuities, or any other of the usual modes by which money may be raised, at first sight it would be natural to suspect that the father's consent and approbation had not been obtained, and that it was an affair intended to be transacted without his knowledge; but if the son should add to this letter the exact phrase of the Noble Marquis, namely, that "he desired a speedy answer, with such observations as might occur, in order to carry the plan immediately into execution," it would then, according to the Noble Marquis's reasoning, be apparent to every body, that the object of the letter was to collect information, in order to lay it before his father, and that his previous approbation and consent was to be obtained. It is impossible to deny that this inference is as just as that of the Noble Marquis, and yet no person will be found to draw this inference in either case. But, my Lords, too much of your time has been mispent in this conversation without a subject, and in arguing an idle and unmeaning distinction, which the Noble Marquis's own conduct disproves. It is manifest, for the answers to some of the letters have been produced, that many of the persons to whom his letters were addressed, understood that it was proposed to them without delay to raise the money and men, and accordingly they sent answers to the Noble Marquis, informing him, that they had raised money by subscription, and should proceed to put the plans into execution. Did the Noble Marquis take immediate steps to stop this flagrant violation of the Constitution, as he now represents it? Did he immediately inform them, with the indignation he now expresses, that he had not offended the constitution of the country, or the privileges of Parliament, so much, as to ask them for money or men? That it was information and

and advice alone that he wanted, in order to communicate it to Parliament? Did he, by the return of the post, disclaim a suspicion so injurious to his character? No, my Lords, he acquiesced by this silence in the true conception they had of his letter, and suffered the subscription to take its course.

Earl Stanhope (who had accidentally interrupted the Earl of Caernarvon in one period of his speech, by calling out, *Hear! hear!*) began with apologizing to the Noble Earl for having interrupted him. He begged the Noble Earl to be assured, that by calling out *Hear! hear!* he meant to testify his applause at the sentiments then uttered by his Lordship, agreeing, as he did with him, that all rested on the principle of the thing, and not upon the means of carrying that principle into effect. He would contend, the Earl said, that the whole act of calling for subscriptions was illegal, and that the King had no right to take a fixpence from the subject without the consent of Parliament.

The Marquis of Lansdown rose again, wishing, before the House separated, to take notice of a few things that had been said in the course of the debate. With regard to what had been said by the Noble Secretary of State, relative to there being no difference between subscribing a guinea and subscribing a musket, it was absurd and futile in the highest degree. The Noble Lord called upon him to say, What difference there was between the one and the other? Let the Noble Lord ask the Constitution, and not him. There was, in fact, a wide difference, and a broad distinction between the two: The one was legal and constitutional, the other directly the reverse: So that what had been termed a cobweb distinction, was of the utmost consequence. The King could certainly call upon every individual in the nation, in case of an invasion, to come armed, but he could not take a guinea out of the pocket of a single individual; and he hoped to God that would always remain the case. These modes of recommending subscriptions from ministers, in their official capacities, could be considered as little less than compulsory; and therefore it was forcing money from individuals. A great deal had been said as to the answers supposed to have been sent by him in reply to the letters received from the Mayors, Magistrates, &c. of large towns on the subject of the circular letter of 1782; and it was stated, that no trace of them was to be found in the office. The Marquis said, he would tell their Lordships the reason, which was, that no answers were sent. When the letter of 1782 was pretty generally known, certain descriptions of men, for different reasons, objected; the Dissenters were against it; they felt alarm on the occasion, and so did another large sect, the Methodists. He meant them no disrespect; he believed they

they acted on pure conscientious motives, when they disapproved of that part of the plan which proposed exercising the men on a Sunday. For these reasons, it was thought advisable to let the plan rest where it was; it had answered its end, and as peace became more and more probable every day, there was not the least occasion to push it further. But there never had been an idea, the Marquis said, of carrying the plan of 1782 without coming to Parliament. It was visible and obvious in every line of the circular letter. Not a step could be taken without it. In corroboration of this, were it necessary, he might appeal to the Chief Clerk, and to Mr. Aust in the Secretary of State's Office, and to various others, who well knew it never had been his intention to write any answer. If these contributions were necessary, he hoped every man would be found to contribute according to his power; and upon that principle he was glad to find a respectable country gentleman had come forward in another place, to endeavour to bring places and sinecures into the same situation as landed property. He wished official sinecures, places, and pensions, to pay towards the public burdens in times of pressure and of exigency. They were able, and ought to take their share of the general load. For himself, he declared, he would shew no backwardness to subscribe, where it was legal and constitutional to do so. Much had been said as to the sacredness of official sinecures, places, and pensions; but he was not afraid to utter his wish it should be infringed upon, even should it extend to a sinecure Clerk in that House.

He trusted the Gentleman, therefore, to whom he had alluded, would continue his exertions; for, whatever other persons might say, he could tell him they would prove a great national resource, and especially if he could add to them fees and perquisites of office. These were pretended to be, in a great measure, abandoned; but their continuance was shameful: For instance, if a Road or Canal Bill was a good thing, why were the pockets of individuals to be drained to carry it into effect? The Marquis declared, he did not like a plurality of offices being heaped on one man, because he did not chuse to confound clerks and ministers; let them each keep their rank and situation; let ministers be ministers, in fact and in appearance, and let clerks be clerks; and not by throwing sinecure after sinecure, and office after office, into the lap of the latter, give the clerk the semblance of the minister, and the minister that of the clerk.

The Marquis added a few other pointed remarks, and concluded with apologizing to the House for having been obliged to take up so much of their Lordships' time and attention.

The Bill was then read a second time.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, April 11.

FRENCH LEVIES.

The Chancellor of the Exchequer moved the Order of the Day on the Bill to enable his Majesty to employ subjects of France on the Continent of Europe, in the French West India islands, in Guernsey and Jersey, and other places; which being read, he moved, "That the Bill be now read a second time."

Mr. Baker rose to object to the motion, and to offer some observations on the tendency of this Bill, which he considered as deserving the attention of the House. The principle of the Bill itself he approved, because it was undoubtedly necessary to increase our force in the first instance; and, in the next place, it was better to employ those men, who might be considered as fighting their own cause, and fighting for the recovery of their property in their own country, than to let them remain a dead weight on the country. Notwithstanding these opinions, he had decisive objections to the present Bill, with which he thought it proper to trouble the House even at that early stage of the business. His objections were these: He had heard it was intended to introduce a Clause subjecting them to the discretion of Administration, liable to be treated as aliens, if they did not enlist. The hand-bills about the town offering levy money, though he did not know from what authority they came, gave him a strong suspicion that such a measure was in the contemplation of the ministry, and if so, the measure merited the highest reprobation, as a measure of singular hardship and oppression, on the one hand of folly, of extravagance on the other, because he could not conceive any good reason why men should be induced to fight what was, in fact, their own battles, by the same temptations as natives of this country, who were not personally concerned in the quarrel. In the Bill itself, as it now stood, he also saw strong ground of objection. The provision for their future casual introduction into this country gave him great alarm, as the terms made use of were suspicious and alarming, viz. they were to be landed for air and exercise. He contended that the term *exercise*, when undefined, might include hostile operations, as training to arms was the proper exercise of soldiers, which included war and all its relative concerns. He wished to know what security we had that there should not be 60,000 of them landed, and all of them under military law? The Bill also provided, that when such troops were to be landed, notice was to be given to Parliament if sitting, if not,

as soon after as Parliament should meet. He for one did not think notice to Parliament, but the consent of Parliament, necessary upon such occasions; but even so, as Parliament might be a long time without meeting (last year seven months), all that time we might have foreign troops within the kingdom, without any notice whatever taken of it. These were all objections upon which he said he should expect some explanation, at least before he could assent to further progress in this measure. He did not mean absolutely to object to the Bill under any modifications, because he admitted, if we were to carry on the war, an adequate force was to be provided; and at the same time he acknowledged, that perhaps it was fairer that the French should be engaged to fight what was in fact their own quarrel, than British or perhaps the troops of any other country. He said, he conceived the Right Honourable Gentleman opposite (the Chancellor of the Exchequer) was bound to give some answer to these objections, as he had not condescended to assign any of his reasons for this measure when he first proposed it, nor at present, when he had moved the second reading of the Bill.

The Chancellor of the Exchequer said, that he rose principally on account of the last observation that had fallen from the Honourable Gentleman. He had been blamed for not having assigned his reasons for proposing this measure to the House; he had proposed deferring it to what he imagined the most regular time, on the question of commitment; but as he was thus called upon, he felt it incumbent on him to say something in reply to the Honourable Gentleman who had just sat down. In the course of his life, the Chancellor of the Exchequer declared, he had never heard so unparliamentary, and so illogical an argument against a Bill in that stage of it, as the speech of the Honourable Gentleman. It would, he said, be unnecessary for him to state the principle upon which the Bill was introduced, as the Honourable Gentleman had himself done it briefly in the two ideas, the necessity of augmenting our force, and the propriety of that force being French. With respect to the objections to the provisions of the Bill, they would better apply to the discussions in the Committee, than to the second reading. As to the supposed clause about aliens, he knew of none such intended, since it would be perfectly useless, all that were the objects of this Bill, being already completely included in the Alien Bill already passed. With respect to levy money, there was not one word about levy money included in the Bill, nor intended to be inserted, as he perfectly agreed, that it was not proper so to do; not but that it might be found necessary to give somewhat to particular

ticular individuals, whom it would be hard to prevent resorting to the place of rendezvous, for want of the means to carry them there; but this would more properly fall upon that fund, which in time of war was afforded to his Majesty by a vote of credit, at the end of the Sessions, and which he should have to move for during the present Sessions. With regard to the objections made to what actually was contained in the Bill, the construction of any words could more properly be discussed, and, if necessary, amended, in the Committee. The Honourable Gentleman, he observed, had commented on the meaning of the word Exercise: Without inquiring whether he was jesting or serious in his remarks, whether he meant what he had said to be considered as wit or as argument, it really appeared to him, rather as an exercise of his wit, than intended as a solid objection to the Bill. And as to the landing of troops upon the coast, that could certainly never call for the necessity of assembling Parliament, under all the inconveniences to themselves, and interruption to the executive Government. Having thus answered the objections made, he thanked the Honourable Gentleman for his approbation of the principle of the Bill, which he hoped the Committee would make unexceptionable.

Mr. Fox rose to offer a few remarks on what had fallen from the Right Honourable Gentleman. He said, he thought it singular that the House should be called upon to give their votes for any such novel measure, without having some substantial and solid reasons previously assigned to induce them to adopt it. None such had he heard; and he thought it rather indecent to require acquiescence without it, or to expect Gentlemen not to state their objections. He supposed the Right Honourable Gentleman, who just sat down, had objects in view in the course of the present campaign very different from those of the last, when no such Bill was thought necessary. Why then did he not state his reasons for not adopting such a Bill last year? There was no period of the war when we stood so much in need of assistance of that kind as at the beginning of the last campaign. *Mr. Fox* wished, that these reasons might be candidly and fairly stated. For his own part, he would oppose the Bill altogether.

Mr. Jenkinson contended, that the reasons which made the adoption of the Bill necessary now, did not exist last year, and therefore it was no argument to assert that as such a Bill had not been deemed necessary last year, it could be necessary at present. We had reason to hope that we should be able to penetrate the interior of France in the present campaign; and
none

none could afford us more assistance in the accomplishment of that object than Frenchmen.

General Smith supported the Bill, chiefly upon the ground, that these emigrants were the very best troops to be employed against France, because they had a personal interest in the success of the operations, and would be obliged to fight with the utmost desperation, well knowing, that if taken prisoners, they had nothing less to expect than an ignominious death. There might undoubtedly, as the Honourable Gentleman who spoke last had stated, be many reasons, why a measure might be expedient and proper this year, which in the last year might not be equally necessary.

Mr. Lambton agreed with his Honourable Friend who had begun the debate in opposing the Bill, as it seemed to lead to a determination on the part of this country to establish the ancient despotism of France; a despotism which not even the people of that country would now submit to. *Mr. Lambton* observed, that the observations of *Mr. Burke* had not escaped him. There were at this moment two armies in La Vendée fighting against the Convention; which armies differed so much in their notions of monarchy, that they were not able to join or co-operate with one another. The present times were lamentable. What were we doing? We were paying money to the Prince of Hesse Cassel, to the Sardinians, to the Hanoverians; and he had that day heard of an enormous subsidy we had agreed to pay to the King of Prussia. Taking with these, and independent of its unconstitutional tendency, the subsidising of Frenchmen, the subjects of this country would find it extremely difficult to pay the annual taxes necessary to defray the interest of the expenditure. Were these sums to be paid to British soldiers, they would still circulate in the country; whereas, by being sent abroad for the payment of foreigners, not a single shilling would ever find its way back again. *Mr. Lambton* objected to the Bill likewise on the ground of its being contrary to that constitutional jealousy which distinguished our forefathers, and made them even send away the Dutch guards of King William. If our ancestors acted so to the deliverer of this country, how much more incumbent was it on their posterity to be jealous of foreign troops, when such jealousy could not be liable to any charge of personal incivility or disrespect to their Sovereign?

Mr. Dudley Ryder said, that he had waited some time expecting an argument, and he had heard but one or two which deserved an answer. One Honourable Gentleman had blamed Administration for not having taken this measure earlier. It might

might be said, that it was never too late to mend; and if the measure were good, it was proper to be adopted as soon as possible. As to the idea of establishing the ancient despotism in France, he could not conceive a weaker or a more groundless suggestion; the utmost that could be said was, that Great Britain wished to protect all those who opposed the present government of France. He conceived it to be much better for this country to have foreigners to fight its battles, than to send the people out of the country, and have the regret of losing so many of our fellow-subjects. As to any danger arising to the constitution from foreign troops, he conceived there was none probable: And when he looked back at the conduct of our ancestors, he reflected with regret on the inhuman and brutal treatment which the friend and deliverer of this country had met with, instead of the confidence and cordial support to which he had been so eminently entitled.

Mr. Sheridan declared, he never had heard so extraordinary a Bill defended in so extraordinary a manner; it was even treated with a kind of civility, as if it had a claim to respect. The Honourable Gentleman over against him seemed surprised at the objections of his Honourable Friend, and indeed that any objections at all should be made against it; just as if it was a matter of course, and perfectly conformable to law, to take into the service of this country an immense body of Roman Catholics, foreigners, and men who had taken no test whatever. This was a decided declaration of change of system. An Honourable Gentleman (*Mr. Jenkinson*) had partly communicated this new plan, which was to get into the interior of France. That plan, *Mr. Sheridan* said, should have been adopted last year, instead of which, a narrow and miserable system had been pursued, that of attacking little, paltry, and insignificant places. What new circumstances, he desired to ask, had occurred this year to make such a plan necessary? Was it the circumstance of our having broken our faith with the people of Toulon? Was it the circumstance of our having deceived the unfortunate Royalists of La Vendée? After every means of making an impression in France seemed to have vanished, a new light broke in upon us; and we were to adopt a measure, which there was not a single circumstance at present to justify, although there had been some last year.

His objection to the measure, *Mr. Sheridan* said, was a fundamental one, and went to the whole Bill at once, as unnecessary and unconstitutional. The reason given by an Honourable General for his approbation of the Bill, was one of the reasons why he objected to it; as he conceived nothing

more cruel, or more devoid of feeling and humanity, than driving unfortunate persons into the field, sure of destruction, either of falling in battle, or the more dreadful alternative of being taken prisoners and hanged. If these Frenchmen in our armies should be so treated, on being taken in battle, were we to revenge their fate, and retaliate on the French prisoners in our possession? [*"Yes,"* was expressed on the other side, by Mr. Burke.] Good heaven! replied Mr. Sheridan—consider that the lives of millions may depend upon that single word—That you will introduce a system of human sacrifice, all over Europe, by such a measure—that you send these poor unfortunate beings into the field with halters around their necks, as part of their accoutrements. Nothing, he was persuaded, but the warmth which the Honourable Gentleman felt on ministerial questions, could have led him into an expression which might be the herald of cool massacre to many of our own troops. He hoped that the House would never place the armies of Great Britain in so deplorable a situation; that it would turn with horror from a system of barbarous and execrable warfare hitherto unknown in the history of civilized Europe. This was the first time in which it had been acknowledged from ministerial authority that France had “subjects,” and we might be assured that the present government of that country would treat those subjects as rebels whenever they found them fighting in the pay of Great Britain.

The paltry saving which it was said would accrue from the officers of these corps not having half-pay after the war, should the object of it be unsuccessful, he could consider as no other than a delusion. The same had been said a few years since of the Royalist corps in America; but, at the conclusion of the war, these officers, driven from their homes, remained a heavy incumbrance on the gratitude of this country. Did any man pay his country so bad a compliment as to suppose, that the feelings and spirit of a British Parliament would consent to send those unfortunate Gentlemen into the field under such cruel circumstances as he had described, and after they had bled in our service, turn them adrift, to linger out their lives in melancholy meditations upon British benevolence?

In a constitutional point of view, he held the Bill to be a most dangerous one. Martial law, to which the men were to be subjected, should be left entirely to his Majesty, without any limitation whatever. It might be made a law, that, in case of disobedience to *any order*, they should be punished with death; and it was not impossible that the King might be persuaded by his advisers to employ that army in overthrowing the free constitution of this country. It was, besides, natural

to conclude, that a body of men, smarting under the lash, and detesting even the name of liberty, might be inclined to do any thing that might bring about that despotism which was so dear to them; on that ground, therefore, placing them under the power of the Crown left little security for the liberties of Englishmen.

Mr. Sheridan said, he did not expect to find the observations of his Hon. Friend (Mr. Baker) on the subject of troops being brought into this country for exercise treated in so jocular a manner. He had no objection to the Right Hon. Gentleman growing more and more facetious every day; but he wished him to confine his wit to suitable occasions. The Right Hon. Gentleman's idea of exercise could mean nothing else than military array. It had been said that there could be no danger from these troops, because they were not to come beyond a certain distance from the coast; such an assertion was treating them like schoolboys; for in what other light did that part of the Bill consider the foreign troops, who were not to go out beyond their *bounds*, and if they did, our messengers were to go to them with the Bill in their hands, and say, "You are a naughty army; do not attempt to stir an inch beyond the limits assigned you; get back again to your proper ground." Such was to be the language which a bit of paper (a scarecrow carried in the hands of our messengers, or stuck on a finger-post) was to use to an army of forty or fifty thousand men, embodied in Kent or Suffex, and under the absolute command of his Majesty.

To many it might seem of no trifling consequence to have such a body of French Roman Catholics, without test or regular allegiance, at the disposal of the executive government; to him their opinions, in respect to religion, were, he owned, of no very great importance. Let it be recollected, however, that if, in this age of liberality and religious tolerance, it was not deemed unsafe to entertain in the kingdom an army of possibly 30,000 Roman Catholic foreigners, what an insult did we offer to the Roman Catholics of England, in continuing those oppressive and degrading restrictions, notwithstanding which they eminently maintained their loyalty, and manifested allegiance!

If this Bill should pass, he should think it his duty to bring, without loss of time, the situation of that meritorious class of subjects, the English Roman Catholics, as well as all the other Dissenters, under the review of Parliament, of which he was desirous that what he then said should be considered a sufficient notice; and the object of his motion would be, that all tests, on account of religious opinions, should be abolished. He

knew that, in making propositions of that kind, it was in general thought necessary to have some previous consultation with his Majesty's ministers, and some understanding with the people themselves. However, he should proceed without consulting either of them, relying on the propriety and manifest justice of the measure. Mr. Sheridan concluded with saying, that he should oppose the second reading, in which, if he was unsuccessful, he should propose some emendatory clauses in the Committee.

Mr. Burke, with great gravity, professed himself sorry for the resentment which his having uttered the monosyllable "Yes," had occasioned in the mind of the Hon. Gentleman who had just sat down; he hoped, however, that the monosyllable that gave the Hon. Gentleman offence, contained little or nothing of the deleterious poison imputed to it. With regard to passion, Mr. Burke said, he was too old to entertain any upon the subject of France. It had, for a considerable time, occupied much of his serious deliberation; and whatever he thought or felt upon it, was not a momentary impulse, but the result of calm, settled, and well-considered judgment. This passion, if he felt any, might fairly be construed into *malice prepense*; and if he killed a man, under its influence, he was ready to admit, that he should be guilty of murder.

The smile or laugh alluded to by Mr. Lambton, when he talked of the former despotism of France, Mr. Burke declared, he could seriously assure that Hon. Gentleman, was not a smile of levity, but a smile of bitterness and sorrow, arising from a conviction that France must pass through many severe trials, must swallow many a bitter pill, before she could be restored to that happy despotism under which he once saw her flourish. That mild, temperate, chastised government which they experienced under the Monarchy, he was afraid, would be very long before it would return, if indeed it were probable that it should ever return again. If he were indeed passionate, if he were inflamed by inveterate antipathy and national animosity against that unhappy country, he could wish them no greater misery than a lasting continuance of that under which they at present laboured. The condition of France at this moment was so frightful and horrible, that if a painter wished to portray a description of hell, he could not find so terrible a model, or a subject so pregnant with horror, and fit for his purpose. Milton, with all that genius which enabled him to excel in descriptions of this nature, would have been ashamed to have presented to his readers such a hell as France now was, or such a devil as a modern Jacobin; he would have thought his design revolting to the most unlimited imagination, and his colouring

louring overcharged beyond all allowance for the licence even of poetical painting.

The assertion that this was a war of freedom against despotism, was equally fallacious and false. It was a war of perfidious rebellion against honourable loyalty, of infidelity against religion, of robbery against property, of murder against humanity, of barbarity against social order. He wished, if possible, to rescue the deluded people of that country from their insatuated freedom, a rescue; in the earnest desire of which every well-disposed person remaining in France must devoutly join. We talked here of the liberties of the Fleet, the liberty of the King's Bench, &c. from which the French also seemed to have taken all their ideas of freedom; for the liberty of France at this moment centered in a *gaol*. There was not an inhabitant who was certain of one moment in which he should not be removed from his own house to one of those dens of freedom; and how happy must they find themselves in a general *gaol* delivery!

Mr. Burke observed, that an Hon. Gentleman had asked, Whether it was the intention of his Majesty's ministers to re-establish the old despotism of France, by sending French troops into that country. What were the objects of the emigrants who would enter into our service? To liberate their wives and their children, to be restored to their properties, to get possession of their vineyards, their olive-trees, and their fig-trees. This was the horrible old despotism of France. Despotism and liberty, as the Hon. Gentleman made use of these names, were mere words.

In the speeches of many Gentlemen for some time past, Mr. Burke said, the words *Liberty* and *Despotism* formed a very considerable ingredient; so much so, indeed, that it reminded him of a lawyer, who, in a very laboured harangue, was twirling a string from side to side with a great degree of violence. Some person having found an opportunity, conveyed away the string, whereupon his eloquence instantly failed him, and he loudly exclaimed, that "they cut short the *thread* of his discourse." Thus it was with those Gentlemen; take away the words Freedom and Despotism, and they could not get on a step farther. With them, if a man wished to preserve his wife and children from the guillotine, and retire into the bosom of his family—it was despotism. If a man was desirous to recover those estates transmitted to him by a long line of ancestors—it was despotism. If a husbandman wished to repose in his own farm under his fig-tree, his olive, or his vine—that was despotism. If a farmer chose to keep *five* bushels of corn for the use of himself and his family—that also was despotism.

potism. In short, every thing was despotism which did not partake of that hideous system which was now the basis of what was termed the liberties of France.

It was not for any particular system of Government that he contended, Mr. Burke said, but for some Government. Let it be a pure monarchy, a democracy, or an aristocracy, or all mixed, he cared not, provided a Government did exist, the first principle of which must necessarily be security to property, because for the protection of property all Governments were instituted. First, therefore, restore property, and afterwards let that property find a Government for itself. The number of its inhabitants constituted the strength of a nation, but it was property alone on which Government was formed. If the formation of Government was committed to the no-property people, the first thing they would do, obviously would be to plunder those who had property; and the next thing would be to plunder and massacre each other. After all, if it were asked, Did he prefer property to virtue?—His answer would be, No. To honour?—No. To morals?—No. To arts and literature?—No. But he respected property in as much as it was the basis upon which they were all erected—the soul that animated, and the genius that protected them. In France were the poor better treated than the rich? Were they not forced to rise *en masse*? To account for every bushel of corn in their possession? The shopkeeper was put in requisition to make shoes for the armies. No labourer knew whether he should enjoy for a day his earnings, or even his liberty or his life. The original fault in the proceedings of the French Revolution was, that property was not permitted to have a vote. Every effort had been made to exclude it from legislation. Reverting to the precise question in debate, Mr. Burke thanked the minister cordially for the wisdom and justice of the measure, and made an appeal to Mr. Lambton, and other Gentlemen, on the situation in which they, and men of great property like themselves, must be placed, should the system of Jacobinism ever take place in this country; and that it would take place, there was real ground for apprehension, unless all those who had a stake to risk of their own, as well as a general regard for the interests of the British empire, took some pains by their influence to preserve order, enforce due subordination, and maintain quiet and tranquillity, by convincing the people that their true happiness consisted in a continuance of that Constitution, and that Government, under which they daily experienced so many blessings. Without wishing to be a prophet, Mr. Burke said, he had no difficulty in declaring, that, *If French property was not restored, property in England would not have*

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ten years purchase. He was sorry to find the Hon. Gentleman (Mr. Sheridan) determined to oppose this Bill. He admired and feared that Gentleman's talents, and he regretted that he should meet with opposition from him.

Mr. Lambton explained, justifying his apprehensions, from late measures, that ministers would endeavour to restore the old despotism of France.

Mr. Francis said, he perfectly assented to much of what had fallen from Mr. Burke, whom he never heard without a mixture of pleasure and improvement. He said, the Hon. Gentleman ought not to conclude that the people of France were as miserable as he had represented them to be. They appeared to have a strange kind of enjoyment in their enthusiasm. (A loud laugh.) He thought, however, that despotism was more to be dreaded than anarchy, as the evils of one were temporary, the other durable. In recurring to the present Bill, he expressed much disapprobation against it, both with regard to the principle and the clauses of it, conceiving it altogether to be wholly impolitic and dangerous; as such, he said, he should give it his negative.

Mr. Grey condemned the sudden and unprepared manner in which the present important measure was brought forward, and thought it highly dangerous to the constitution; he paid many compliments to Mr. Burke, whose talents and eloquence had not, he said, a more sincere admirer than himself, and from many of whose opinions he thought it impossible for any one to dissent.

Of the present state of France he had expressly declared his opinion already, namely, that he would rather live under the power of Nero or Caligula than there; but in acknowledging the horrors and devastation of that country, he was bound also to inquire into their cause, which he believed to consist in the ancient despotism of that kingdom, and the combination of the allied powers. The restoration of the old despotism of France would, in his opinion, be the greatest curse that could happen to Europe, for it would produce, in some time, the very confusion and distraction that now desolated that unfortunate nation. All despotisms contained, in his opinion, the seeds of their own destruction. It was to the malignity and tyranny of the old despotism, added to the efforts of the confederate powers, that all the present misfortunes of France were to be imputed. With regard to the effect which the example of France might have upon this country, it depended entirely upon our own conduct. If we refused to adopt moderate measures for the relief of the people, we might urge them to rebellion. In giv-
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ing his opposition to this Bill, as a measure of great danger and impolicy, Mr. Grey said, he entertained doubts of its success; and declared that such was the overbearing influence of the present system, that he was inclined to relinquish all further efforts, and retire from public life, where the only effect of his exertion was personal odium and disapprobation.

The Chancellor of the Exchequer said a few words in explanation.

Serjeant Walsen defended the motion on the ground of its having an obvious tendency to measures highly politic and effective, and he owned he was not a little astonished at the principles advanced by the Hon. Gentleman (Mr. Baker) who first rose to oppose it.

The question was then put, when the House divided:

<i>For the motion</i>	105
<i>Against it</i>	20

Majority 85

FRENCH PROPERTY.

The Solicitor General said, he rose to move for leave to bring in a Bill "to render more effectual the Provisions of the Act which passed last Year for the Security of French Property." The principal amendments in the regulation, Sir John said, would consist in providing for the safety of this property in cases of failures and bankruptcy in those possessed of it, and in enabling every person whatever, that holds it, to pay it into the Bank of England, there to remain till a legal claim is made out at the conclusion of the war.

Mr. Jekyll said, he wished to know whether it was meant by the Bill moved for to compel the payment of this property into the Bank, and likewise what was the nature of the security meant to be provided in cases of failure?

The Solicitor General said, that it was not intended to compel the payment; and that the security proposed was a solemn declaration, under certain penalties, to be made to the Commissioners of Bankruptcy, concerning all property in possession, belonging to individuals in France; but, at the same time, this declaration was so to be made, as not in the least to endanger any disclosure or personal hazard to those who might be entitled to such property.

He concluded with moving, "That leave be given to bring in a Bill for the more effectual Security of Money and Effects in the Hands of his Majesty's Subjects, and belonging to, or being disposible by, any Person in France; and to preserve

“ preserve the same for the Benefit of the individual Owners
“ thereof.”

The motion was carried, and the Bill brought in and read a first time, and ordered to be read a second time on Monday the 14th.

Adjourned.

HOUSE OF LORDS.

MONDAY, *April 14.*

At half past one o'clock their Lordships adjourned to Westminster-Hall, to the trial of Warren Hastings, Esq.

At half past five the House was resumed, and a message sent to the Commons, informing them, that their Lordships would proceed farther on the Trial of Warren Hastings, Esq. on Wednesday the 16th.

The House then resolved itself into a Committee, *Lord Walsingham* in the chair, when the Bill, intituled, “ An Act for the encouraging and disciplining of such Corps and Companies of Men as should voluntarily enroll themselves for the Defence of their Town and Coasts, or for the general Defence of the Kingdom during the War,” went through the Committee with some few amendments.

Mr. Vansittart. and the *Chancellor of the Exchequer* brought up from the Commons three private Bills, which were read a first time ; after which the House adjourned.

HOUSE OF COMMONS.

MONDAY, *April 14.*

ROYALTY THEATRE.

Mr. Mainwaring moved, “ That leave be given to bring
“ in a Bill to enable his Majesty to license as a Play-house
“ (during the Summer Season), the Theatre called the Roy-
“ alty Theatre, situate in Wellclose-Square, Tower Ham-
“ lets.”

Mr. Sheridan said, this application was obviously a renewal of that attempt made two years since, which the House, upon full consideration of its merits, thought proper to reject ; and they would, he trusted, acting upon the same principles of justice and policy, do the same in the present instance. The fact upon which the present petitioners grounded their application was briefly this : A number of persons, about the year 1782, thought proper, without any legal authority, to build and open a theatre in Wellclose-Square, pretending to

be empowered so to do by Lord Cornwallis, Constable of the Tower, when, in fact, neither the Noble Lord, nor any other person, did, or could, possess power or authority to warrant such a proceeding. They were admonished in respect to their conduct, and its illegality was repeatedly pointed out to them; but they chose to persevere in that conduct, in open defiance of the law established by particular Acts of Parliament. The Proprietors of the winter theatres, aware, if such conduct was permitted to pass unnoticed, and no step taken to prevent its continuance, their properties might be materially injured by similar proceedings in other parts of the town, took, therefore, such steps as the law pointed out to obtain redress. In this they were resisted by the Proprietors of the Royalty Theatre, and by that resistance put to an expence of 2,800*l*. The suit was, however, finally determined in their favour; and the Court of King's Bench passed a very severe censure on the improper conduct of the Proprietors of the Royalty Theatre. Mr. Sheridan said, he begged to submit to the consideration of the House, if any reason whatever had been assigned, which could induce them to give their sanction to the invasion of private property, or to permit the renewal of this attack upon the property of the winter theatres. He saw none that could fairly bear upon the subject, unless they were prepared to declare, that the monopoly of patents in no case should exist any longer, and that the theatres, like all other properties unprotected by patent, should be left open to the rivalry of an individual. Perhaps some Gentlemen might be inclined to treat with levity a subject of this nature, or to consider it as a matter of mere amusement; it would not therefore be amiss to inform Gentlemen so inclined, that the patent of one of the two existing winter theatres cost no less a sum than 100,000*l*. and that 100,000*l*. more had been expended upon it to fit it up for the amusement of the Public: When this should be known, perhaps the question of property might appear to be one that merited some serious consideration. Let the House recollect what had been the conduct of those Gentlemen who petitioned them on the present occasion? They first do an act contrary to the known and established law of the land, they persist in it until restrained by the sentence of a court of law, and they afterwards come to require the sanction of Parliament to their conduct. If there was an Act of Parliament saying there should be but two canals in the kingdom, and a number of Gentlemen, in direct and bare-faced opposition to this Act, should cut a third canal, and then come there to have their conduct legalized, would the House even for a single moment entertain their petition? The ground of their application, or
that

that on which they founded the expediency of this measure, was, that it was but right that the inhabitants of that part of the metropolis should have some place of amusement, and should not be under the necessity of coming so far to a place of public amusement as they at present necessarily must come : It was not his wish, Mr. Sheridan said, that people should be deprived of any species of rational amusement ; but it was with him a matter of very great doubt if the best subjects, and the principal inhabitants, of that neighbourhood, wished for the success of this application, on account of the immoralities and disorders it would produce. Besides, it was to be observed, that the petition did not come from the City of London ; that worthy body of men would not act in the manner the Petitioners had done ; they would have acted as the laws of their country directed ; and he was convinced they would never present any petition, the object of which was the invasion of private property. Under these impressions, Mr. Sheridan said, he could not lend his assistance, as a Member of this House, even so far to sanction this proceeding, as to grant leave to bring in the Bill.

Mr. Mainwaring freely admitted the importance of the subject, as the Hon. Member had stated it. Amongst those who communicated their sentiments to him upon it, Mr. Mainwaring said, he had found great difference of opinion. Between eight and nine thousand people had signed a petition for a theatre in that part of the town ; a large number had signed a petition against it ; both petitions he had, in discharge of his duty, presented to the House ; but, in so doing, he had not pledged himself to vote either one way or the other. The part he had taken had been merely to bring the subject before the House ; and if the Bill should be brought in and discussed, his conduct had tended only to put it in a train of inquiry.

Mr. Cawthorne declared, he could not see any just ground for opposing the introduction of the Bill ; it would but give the House a fair opportunity for discussing the subject. Was there any reason why the inhabitants of Wapping, and that part of the city, should be deprived of an amusement which was the best source of rational improvement ? Mr. Cawthorne declared, he did not see any.

Mr. Whitbread said, his opposition should be given to the introduction of the present Bill, because he knew that it was a measure of which the principal merchants and inhabitants of that neighbourhood disapproved, as it would tend to render their property insecure, by introducing with the theatre disorder of every kind. Mr. Whitbread desired that the petition of those persons might be read. [*The petition was then read.*]

Mr. Secretary Dundas said, it was by no means his wish or desire that the inhabitants of the eastern part of the metropolis should be deprived of any rational entertainment any more than those of the western part of it; but he felt it to be his duty to inform the House, that a deputation of the most respectable persons in that neighbourhood had waited on him, and requested that he would oppose the present application, and pointed out the impolicy of establishing a theatre in that part of the town; which opinion they supported by many strong and forcible reasons. In justice, therefore, to his situation, *Mr. Dundas* said, he could not countenance the present motion.

Sir Francis Baring declared himself well convinced of the impolicy and evil tendency of establishing a theatre in that part of the town; it would tend to introduce immorality and licentiousness of all kinds: At present that neighbourhood was the seat of manufactures and industry; and to introduce a theatre amongst them, would be the same policy as introducing idleness and dissipation into a bee-hive.

The question was then put, and negatived without a division.

PETITION FROM CERTAIN LOTTERY OFFICE KEEPERS.

Mr. Grey presented a petition against a clause in the present Lottery Bill, which gives power to magistrates to grant warrants to enter their houses at all hours, to search for persons suspected of insuring illegally.

Mr. Rose said, at the time the Bill was in the Committee, he pointed out this particular clause to the attention of the House, and at that time there was not stated any objection to it: Its tendency was only to invest magistrates with a similar power with which the Commissioners of Stamps are vested in several cases; and both the magistrates of the county of Middlesex, and the city of London, solicited such a power, declaring that, unless it were granted, it would be altogether impossible to compel an observance of the law with regard to insurance. If there were any well-founded objection against the clause, *Mr. Rose* said, it should have been made while the Bill was depending, and not introduced by petition against the clause after the Bill had passed.

Mr. Grey declared, he could have no particular interest in the success or failure of this petition, the persons in whose behalf it is presented being totally unknown to him. It was put into his hand as he came down to the House, with instructions to present it, which, as a Member of Parliament, he did not feel himself at liberty to refuse. As to the general question, it

it was his opinion, if laws so directly contrary to the principles of liberty were necessary for the support of lotteries, they ought for ever to abandon lotteries as a mode of resource.

Mr. Taylor said, it was very possible that the Hon. Gentleman (Mr. Rose) might have stated the clause in the Committee, and the Petitioners never have heard of it, as it passed wholly unnoticed. The clause he did not think so objectionable till he came to examine it with attention; and he desired then to give the Right Hon. Gentleman (the Chancellor of the Exchequer) notice, that should he in the next year persist in lotteries as a measure of finance, he (Mr. T.) should use this clause as an argument in support of his opposition to that measure, seeing that, to support the system of lotteries, and to prevent their attendant evils, it was necessary to have recourse to laws so imperious and dictatorial, so oppressive and inimical to the rights and privileges of their fellow-citizens.

The petition was then received, and ordered to lie on the table.

EAST INDIA LOAN BILL.

The Order of the Day, for the third reading of the Bill to empower the East India Company to continue their bond debt at two millions, and to borrow one million more, if it should be found necessary, being read,

The Chancellor of the Exchequer moved, "That this Bill be now read a third time."

Mr. Francis rose, and spoke as follows: "This is certainly a Bill of considerable importance; and by its proceeding so far unopposed, it might be expected to pass *sub silentio*. It certainly merits the attention both of this House and the Public, and I wish it had received more of both. However, before it passes, I feel it my duty to offer some few remarks on the subject. As I understand the Bill, it amounts to this, that, in the year 1794, the East India Company are to be enabled to borrow money, or enlarge or increase their capital, or whatever other title may be given to the thing, by a sum of 2,000,000*l.* or at least 1,500,000*l.* that is, that, either by continuing their present debt, or borrowing a further sum, the India Company are to be more in debt this year than they were the last. An Hon. Member (Mr. David Scott) asserted, on a former occasion, that to issue bonds for the payment of money, was not to be considered a loan; this to me is a doctrine wholly new, and one that requires some explanation to make it understood. It has been stated, that this increase of debt was to be applied to the purpose of trade: It is true the Company have extended their territorial possessions, and may therefore require an extent of capital; but I wish those distinct purposes

purposes of trade to be pointed out. All I know of their affairs, from what has been stated in this House, is, that they have increased their dividends, granted pensions to individuals, and undertaken to pay to the Public an annual sum of 500,000*l*. The principle upon which the Company have attempted to increase their dividends, previous to the payment of their debts, and at the same time incurring new debts, is to me unknown. About twenty years since, a measure of this sort was brought forward, which was so far from meeting the approbation of Parliament, or the support of Government, that it occasioned a Bill to be brought in to restrain them from such an attempt in future: In short, it was considered as a fraudulent and swindling transaction, for the purpose of giving a fictitious value to the stock of the Company; the obvious consequence of which must ever be, that the proprietors will sell out as fast as they can, and then leave the Company to shift for themselves. What right can any company have to increase their dividend beyond the clear surplus of their profits after all debts and expences are discharged? The Right Hon. Gentleman (Mr. Dundas) has, in very high terms, declared the flourishing condition of the Company's affairs, and said, that no doubt could be entertained of the brightness of the prospect opening before us. If such be the flourishing state of their affairs, if such the brightness of the opening prospect, how comes it to pass that the Company comes year after year to Parliament to borrow money? To me it appears extraordinary, and irreconcilable to this statement. I may be mistaken in my apprehension of the subject, but shall be satisfied if I hear to what purposes of the trade of the Company this money is to be applied."

Lord Mornington said, that the mistake of the Hon. Gentleman (Mr. Francis) was so apparent, that it was not worth the while of his Right Hon. Friend (Mr. Dundas) to make any reply to his observations: His error had arisen from taking the amount of the bond debt of the Company for the amount which it was necessary for them to add thereto. The matter appeared to him, his Lordship said, to stand thus: By the Act of last session, the Company were in the course of the present year to have reduced their debt to 1,500,000*l*. By that reduction the Company must have increased their wealth by a sum of 500,000*l*. being so much below 2,000,000*l*. the amount of their present debt. The Bill now before the House allows them to continue their debt at 2,000,000*l*. and to add to that debt, if necessary, the sum of 1,000,000*l*. in the present year; so that supposing it an increase of debt, it can only be of 1,500,000*l*. This, however, was not the case; for the Company

pany had paid off India debt last year 500,000*l.* more than they were bound to do by the Act of last year, and this year 500,000*l.* would be paid off, which accounts for 1,000,000*l.* of the bond debt. It also appeared that the Company, by engagements they had entered into, were bound to pay off bills to the amount of 1,500,000*l.* and had upon their sales given credit for 500,000*l.* for a longer period than usual, and which should have been added to the credit side of their account in the present year; so that, considering fairly and fully all those circumstances, it was impossible to say that the Company had in any shape increased their debt. But the Hon. Gentleman had said that he did not attend the opening of the India Budget, nor, *by the blessing of God*, ever would: In this he does not appear to have any very great *blessing from God*, as, on account of his non-attendance, he seemed totally ignorant of the subject.

Mr. Francis. "The Noble Lord has not taken the trouble to point out for what purposes of trade the money is to be employed."

The motion was then put, and the Bill passed.

FRENCH CORPS.

The Chancellor of the Exchequer moved the Order of the Day, for the House to resolve itself into a Committee, to take into consideration the Bill to enable French subjects to enlist in his Majesty's service, to serve on the continent, and other places; which being then read, he moved, "That the Speaker do now leave the Chair."

Colonel Tarleton said, "This Bill, Sir, is of so peculiar a nature, and seems to be fraught with circumstances and consequences of such infinite magnitude and importance, that, in my humble opinion, it behoves every individual Member to give it his assent or dissent with his own voice, and in his own language, that his sentiments may be scanned by the present generation, and recorded in the annals of Parliament. This idea, which I feel strongly impressed on my mind, will preclude my trespassing long upon the patience of the House: But I shall endeavour to compress a great deal in a very small compass indeed.

"It appears to me, Sir, that the subject which now occupies the attention of the House is one of the links (though a heavier one, I confess, than has yet appeared) of the same chain which his Majesty's ministers, since the commencement of this Session, have prepared for the liberties of this country. It requires not much ingenuity or sagacity to discover that this Bill is connected with the recent alteration made in the Militia Bill, and materially allied to the county subscriptions. Step by step, his Majesty's ministers proceed to undermine the constitution, and enshrine the liberties of Englishmen. Their intentions

tentions are so obvious and so clearly demonstrated in this and the two other collateral circumstances I have mentioned, as well as in their conduct relative to the debarkation of the Hessian troops, and their manner of discussing that question in Parliament, that the plainest and meanest understanding cannot be at a loss to interpret their motives, namely, to erect as rapidly as possible a military government in this country, during the continuance of a war, which his Majesty's ministers have occasioned, or at least have not used proper discretion and vigour to avert, and which is now maintained and prolonged by English intrigues and with English money. What consequences must arise from the prosecution and completion of such a system, I leave to the cool consideration of the House and of the country. If the majority of the Representatives of the People are so beguiled by the eloquence of the Right Honourable Gentleman, are so involved in the mazes of delirium which have been so artfully and industriously extended by the seceders and alarmists, or are so torpid or so corrupt that they cannot, or will not, judge and pronounce upon their own imminent danger, the country and posterity, I hope and trust, will acquit the Members of Opposition from the imputations, I had almost said guilt, which may attach to the present House of Commons.

"Sir, I think it necessary that I should briefly point out the glaring absurdities and the hazardous consequences which are contained in the preamble to the clauses of this Bill, notwithstanding a convenient time to do so is likely to occur when the Bill goes into a Committee, yet, sir, I cannot omit *any* opportunity of detecting the fallacy and danger of this Bill. It bears in its frontispiece or its preamble "to enable subjects of France to enlist as soldiers, to serve on the continent of Europe, &c." Does not this evidently pronounce itself delusion? When the rebellions against the existing government of France were in full force in La Vendée and at Lyons, when Toulon was in our possession, did we adopt these measures? No. But we begin to conspire and to combine when France appears impregnable, for so she must appear, or else the Right Honourable Gentleman would not have called her an *armed nation*.

"Against whom then are we calling in these auxiliaries? The object *must* have a different situation, or else the system, I may fairly infer, must be founded in incapacity and delusion. Many objectionable parts occur in the first clause, such as the manner of raising the men, the facility of receiving pay, of mustering strong, and of fighting weak; the *full pay during war*, and the no pay afterwards, the difference of religion, and the

the places of destination. But this I have no doubt will be fully discussed in the Committee.

"The second clause says, 'that in case it shall be deemed necessary or expedient to bring any such troops as aforesaid to any port or place in Great Britain, for the purpose of rendezvous, or for the operations of war, and it shall be deemed necessary or expedient to land such troops in any part of Great Britain.' And then it proceeds to state 'the distance from the coast, &c.' I cannot for a moment delay expressing my disapprobation and astonishment at the tenor of this clause. What! land 20 or 30,000 men, or any indefinite number in England, and allow them to serve there at all! I ask the House where Portsmouth and Plymouth are situated? Are they not on the coast? Are foreign troops then to take possession of those naval bulwarks of the kingdom? Are our dock-yards and arsenals to be entrusted to Frenchmen?

"*Timeo Danaos et dona ferentes.*"

Can any man read this clause without astonishment? Can any man view such a debarkation of troops without dread? Can any Englishman exist that will not protest against it?

"The third clause states indefinitely 'that these troops shall be subject to such articles as his Majesty shall think fit to establish for the better government of such forces, &c.' I shall not comment now upon this clause, but only remark that it is leaving a dangerous latitude to his Majesty's ministers.

"But I shall now say a few words upon that ill-omened intossyllable made use of by the Right Honourable Gentleman on a former occasion: That emphatic and formidable *Yes*, indicates a meaning more expressive than all the amplification the most eloquent man within these walls could call to his assistance.

"These troops then (if employed in France) are to march with halbers round their necks, and in case of misfortune *we* are to retaliate. Then indeed a bloody scene commences, when the scabbard is thrown away: And the conduct of our minister reminds me of one of the grandest and most awful passages in our first poet:

"And let the world no longer be a stage,
To feed contention in a ling'ring act;
But let one spirit of the first-born Cain
Reign in all bosoms, that, each heart being set
On bloody courses, the rude scene may end,
And darkness be the burier of the dead!"

One single word on the beautiful ejaculation of a Right Honourable Gentleman on a former occasion with regard to pre-

erty. Where is the security for property against hordes of desperate men, driven out of their own country, and armed in England? Where is the security for property during the formation of a military government? Where is the security for property when his Majesty's minister undermines the Constitution?

"Here, Sir, I shall leave the question, reminding Gentlemen of the time and circumstances attending this Bill, and earnestly exhorting all Englishmen not to hood-wink their understandings, and voluntarily impose fetters upon themselves and their children; for I firmly believe the passing this Bill in its present form will destroy the privileges of Magna Charta, will undermine the Bill of Rights, will set at naught some of the important provisions of the Act of Settlement, and finally annihilate the British constitution. Therefore, Sir, I shall give it my most cordial opposition."

Sir William Young confessed that he saw the present Bill in a very different point of view from the Honourable Colonel (Darleton); in *Sir William's* opinion, it was as wise and as necessary a measure as ever had been proposed by the Legislature; and should Gentlemen persist in their opposition, he declared, he should feel it his duty to trouble the House more than once upon the subject. It certainly had an intimate connexion with the late measures of Administration, both in expediency and necessity, and as being peculiarly adapted to the emergencies of the times; and the defence of the country. The same reasons which justified subscriptions, would convince the House of the necessity of the present measure; both having but one end, and one object—the public safety. From the doctrine of retaliation, at which Gentlemen seemed so much alarmed, those dreadful consequences were not to be feared; because there had been troops precisely in the same situation in which those French corps would be, and nothing of the danger, which Gentlemen affect to apprehend so much, had ever occurred; that objection would have been equally applicable, had they given assistance to the insurgents in La Vendée, a measure which the Gentlemen on the other side of the House had so frequently contended should have been carried into execution.

Mr. Whitbread said, that he ought perhaps to apologise to the House for offering himself to their notice on the present occasion; so many objections however had arisen in his mind ever since he first heard of the adoption of this plan, that he could not resist the present opportunity of expressing his disapprobation of it; and of giving his opinion on its merits before it went into the Committee, which he much feared it

would

would ultimately do. He had strong grounds of apprehension that it was, as had been justly expressed, one of the links of a certain chain of measures, tending to the subversion of the constitution and of the liberties of the country. So thinking, he felt it his duty to state his objections to the measure; and the arguments offered by the Honourable Baronet (Sir W. Young) rendered his so doing the more excusable. It was somewhat remarkable, that, amongst the numerous advocates of this Bill, not one had been found, who had deigned to assign any reason for its introduction: All that had been advanced was, that it was expedient; whence the expediency of the measure arose had not been declared: Perhaps it might be thought sufficient that it had originated from a certain quarter, to insure its success; and he greatly feared that the event would justify the opinion. It was said, that though, perhaps, such a measure was neither necessary nor expedient in the last year, it might be so in the present. It might indeed be so; but it should not be left to rest on the bare ground of assertion; fact and argument should be adduced to show the necessity and expediency of its adoption. If the adoption of this Bill went to establish an opinion, that they were contending to restore the ancient despotism of France, that was an idea the House could not be justified in acting upon, though it were even disposed to obey implicitly the dictates of the minister; for they had repeatedly declared, that to restore the despotism of France was not the object for which they engaged in the war; and they should, therefore, if the present measure led to such an opinion, be the most strenuous of its opposers. For his part, he believed that ministers were not yet ready to avow that it was the object of the war; it was not yet safe to do so; for, in his conscience, he was convinced, that, if it were avowed, the supplies for carrying on the war would not have been granted; nor could the English House of Commons ever have been induced to have concurred in an act of such turpitude as that of a free nation endeavouring to force on any country a form of government dissonant to its own sentiments.

Another objection to the present Bill struck him very forcibly; this was the force that might be employed to compel those unhappy men, who were the subject of the present Bill, to engage in the service. It was well known that, by the Alien Bill, ministers were empowered to send those who might refuse to enlist into a situation equally full of danger as any they could be placed in by really engaging in the service. With the Alien Bill in one hand, and bounty-money in the other, how was an unfortunate emigrant to resist the applica-

tion of Government to enlist? That was to him, Mr. Whitbread declared, the more alarming, when he came to consider the declaration of ministers on a point nearly allied to that. The Chancellor of the Exchequer had declared, that they had a right to excite insurrection in any country with whom they were at war, for the purpose of overturning the government of that country. That was a doctrine which appeared truly alarming, and might lead them to a dangerous excess, to which it is not possible to perceive any bounds. But to what did that doctrine more immediately lead? Suppose the French government were able to induce a number of Englishmen to take up arms against their country, and enlist in foreign service, what would be the situation of any of these men if taken by the chance of war? Would they not be executed justly, as traitors to their country? Could they then suppose that any thing short of that would avail those Frenchmen who were to be placed in a similar situation? Should they then send troops in British pay into the field with halters about their necks, as his Honourable Friend had expressed it? Was such a proceeding consistent with the dignity or honour of the British nation? And should such an event take place, were they to retaliate? If this system be once adopted, woe be to this nation! and woe to Europe! Dreadful, indeed, would be the effect of such a system; blood and desolation follow in its train; and a scene of the most barbarous nature which had ever disgraced human society must inevitably be exhibited in Europe. That monosyllable (*Ter*) which had been alluded to, which had justly been termed a word of massacre, should be explained: Nor could he proceed further, without imploring the minister to contradict the assertion, and not to suffer that House, for a single moment, to entertain an idea that such a scene of carnage and devastation was to take place; and if he refused to make an open and solemn disavowal of that barbarous policy, that alone must, in the opinion of the House, and all mankind, be a fatal objection to the Bill.

The next point which attracted his attention, Mr. Whitbread said, was the expence to which the measure might lead. Great and extended operations, like those in which they were at the present moment engaged, must eventually incur great and heavy expences; and though great his confidence in the resources of this country, they were, as all human things must be, *finite*. And when he looked back at the progress of the war, and perceived how they had been moving, as it were, in a circle, he was inclined to think its termination was not far distant, and that there was a possibility that, before its conclusion, they might find the extreme of those extensive resources.

sources. We had not as yet advanced one single step towards the completion of our object, and were at that moment as far removed from that desirable point, as when the Duke of Brunswick commenced his career at the head of the combined armies in 1792. Great pains had been taken to demonstrate, that the finances of France could not bear that country through more than a single campaign; but the French had carried the *embattled arithmetic* of the Noble Lord (Mornington) at the point of the bayonet: And the probability then was, that the much-despised declining resources of that country would outshine those of the Combined Powers. Mr. Whitbread declared, that a report at that moment existed, that the finances of one of our allies, the King of Prussia, were already exhausted: He had stated it so to be in his Declaration, which, though denied on a former night, must then be authentic, as it had appeared in the several gazettes of Europe; and he understood that we were to re-purchase the patriotism and magnanimity of that great and virtuous Prince; and it was not improbable but Austria would soon be in a similar situation; and then it would be necessary to support those valuable alliances with English money, as they had already been cemented by English blood: Too much of both had been already wasted in a system of folly, commenced by our ministers by a false alarm, and continued by an unfair delusion; and all this for the purpose of imposing a form of government on a people who possess an unquestionable right of electing for themselves that constitution which they thought proper.

The last point of view in which the Bill appeared objectionable, was the manner in which it must affect the Constitution of this country; in that respect it merited the severest censure; it went to the total subversion of the Act of Settlement; it empowered the King to have any number of foreign troops he pleased under his immediate command; to create for them, and for their officers, such laws and regulations as he thought fit; and if, from this unusual power in the Crown, any evil should arise, the House had not left itself authority to apply a timely remedy. He should seize the present opportunity, as the first which had occurred, of recanting a hasty opinion delivered by him on a former occasion, when some Gentlemen insinuated the propriety of introducing the criminal code of Scotland into this country: Upon that occasion he had declared, that if any person should be hardy enough to propose any such measure in that House, he hoped that some person would be found spirited enough to impeach him for such conduct: That observation had dropped from him in the warmth of debate; he had since perceived his error, and he

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was then convinced that no Member could be impeached for any motion he might make in that House, however pernicious in its tendency. Having discovered his error, he was then ready to confess it; if he were not, no attention ought to be paid to whatever he should advance on that or any other subject. The House would exercise its discretion on the important business then before them: For one, he should not consent that it should proceed further.

Lord Mulgrave declared, that it was not his intention to delay the House any great length of time. He rose merely to speak to one part of the Hon. Gentleman's speech respecting the doctrine of retaliation. Surely that Hon. Gentleman would not go so far as to say, that the danger which might arise from the execution of any measure should prevent them from adopting it, if the measure were thought to be necessary or expedient. But the danger which those Gentlemen affected to apprehend existed more in idea than in reality; for, from his own experience, he could state, that, in a similar situation, neither that danger, nor those evils, had occurred. While employed in his Majesty's service at Toulon, it so happened, that part of the French troops employed in the British service fell into the hands of the enemy; they were not put to death. A report, indeed, at first prevailed, that their countrymen had massacred them in cold blood; but, upon every possible inquiry that he could make, and upon every inquiry made by the other British officers, it appeared that no such event had taken place; so far from that, no such danger was to be apprehended; at the same time, however, he did not pledge himself to what might happen on any future occasion, or that a contrary conduct would not be adopted by our enemies; but if they ever hoped to bring the present war to a happy conclusion, they must adopt similar measures, or they never would be able to contend with them on equal terms. A contrary doctrine would lead them into the most dreadful situation; for if the enemy should adopt the infernal practice of assassination, and should discover that we did not dare to retaliate, they would bully us from day to day with threats of this kind, and, by inspiring a terror of their threatened cruelty, prevent many from joining our standard. It was certainly neither the custom of modern times, nor of civilized nations, to put prisoners of war to death; but if our enemies departed from this civilized practice, we must, in justice to ourselves, and in order that we might fight them on equal ground, retaliate. He might, perhaps, involve himself in a censure in what he was now going to say, but candour demanded it, and he would speak his sentiments on the subject plainly.

plainly. If at Toulon the enemy had put the French prisoners which had fallen into their hands to death, the manner, his Lordship declared, in which he should have proceeded would have been this: He should have sent out a flag of truce, and have stated to the enemy, that if any such violence to the law of nations, and to the feelings of humanity, had been exercised by them, he should man for man retaliate, by giving up an equal number of the French prisoners in his hands to the French soldiers in his army, to treat them as their own discretion should direct; and however cruel such conduct might appear in us, however repugnant to the feelings of human nature, convinced he was, that in such a situation, such conduct would be necessary; for if they were not to fight upon equal terms, they had better altogether abandon the war. Another event which occurred at Toulon, clearly evinced the savage disposition of the French; but, at the same time, we were not to be deterred by such conduct from opposing them: A post, which was defended by 150 of the British troops, fell into their hands: The garrison demanded quarter; quarter was refused; and the whole of these men were butchered, except twelve, who escaped to recount the melancholy tale! Should we suffer ourselves to be bullied by such conduct, or deterred from our object by such events? Should we discover to the French, that we dread either their inhumanity or violence? As to the expediency of the measure, any person, acquainted with the present situation of France, could not doubt of it; for there now remained no possibility of subduing France, unless by encouraging those who were discontented with its present Government to take up arms against it; and no measures could more effectually tend to promote that desirable object, than those which the present Bill adopted. With regard to the constitutional objections made to the Bill, he must confess that he did not see them in the same light with the Hon. Gentlemen on the opposite side of the House: They affected to think there was some very great danger to be apprehended from vesting in his Majesty the whole power over the troops to be raised under the present Bill, and to form for them such laws and regulations as he in his wisdom might think fit. He, however, saw no difference that could exist between those and any other troops in his Majesty's service, which were, by the present articles of war, entirely under the controul and direction of his Majesty; and by any regulations which could be made for them, they could not possibly be placed more effectually so. He could not point out any distinction between the cases. Therefore, as he thought the

measure

measure not only expedient, but necessary; he should give it his support.

Major Maitland confessed himself not a little surprised at the doctrines laid down by the Noble Lord, whether he considered him as a soldier or a man; doctrines which led to the most dreadful consequences. He objected to the present Bill as being unconstitutional in its principles; he objected to it as being inadequate to its object, and fatal in its tendency. With what confidence, he asked, could they rely upon those men for steadiness in our cause, and for the exertion of vigour and courage in support of it, who exerted neither the one nor the other in their own cause, or the cause of their Sovereign? Much had been eloquently and truly said by a Right Hon. Gentleman (Mr. Burke) on the Security of Property, as the great bond of society; but that Right Hon. Gentleman ought at that time to have taken into consideration, that if the property of France had been true to itself, the present Government of France could not have arrived to that horrible power which it now maintains: But those people, instead of standing forward, and protecting their property against encroachment and despoliation, fled: Had they not fled, and deserted their property, and their country, this country would not at this time have seen them in a situation from which it was proposed to call them into the British service: And were those the people they were then to employ to recover their property, and defend our King? Men who, when in possession of that property, made no stand in its defence; men who, in the hour of danger, abandoned their King, and left him to an ignominious fate from his enemies? Besides, what energy could they hope from men who were disunited among themselves? They could scarcely find two of them who entertained the same opinion with regard to the affairs of their own country, or with regard to any future settlement of its Government. How were their differences of opinion to be reconciled? What impression could they hope that troops, disunited in their own sentiments as to the object for which they are to contend, would be able to make on so powerful an enemy? It was no difficult matter to vilify the Republican troops of France in speeches, and to paint them in colours odious and contemptible; but he would oppose the practical experience of the King of Prussia to the theoretical opinions of other Princes: What did that Monarch say? And how did he speak of them in his Declaration to the States of Germany, where, despairing of success from the continuance of the war, he avowed his resolution of withdrawing from them his protection

tion and support? He said (speaking of the French), "*That the war was a war with a populous nation, provided with every resource of war to back them; an enemy that presses forward in a mass, of approved tactics, and a numerous artillery.*"

With respect to the assertion of the Noble Lord (Mulgrave) that he could see no difference between those troops and any other troops under his Majesty, though the Noble Lord might not perceive the distinction, it was clear and obvious. In the Mutiny Bill, by which all troops in his Majesty's service are regulated, the wisdom and prudent caution of our ancestors had carefully withheld the power of money with respect both to officers and soldiers. The present Bill, for levying an army of foreigners, left that power unlimited and undefined. The Mutiny Bill laid down general rules for the articles of war, beyond which his Majesty's authority did not extend; it left no case unprovided for that might affect life or limb: The Bill then before the House left every thing relative to the military discipline, the laws, and regulations of this new corps to his Majesty's discretion. The mode of punishment which went to affect life or limb was not by the Mutiny Act left to the discretion of his Majesty; under the present Bill he might inflict what punishment he pleased: So that they were, in fact, a powerful and undefined force, entirely under the direction of the Crown. The Noble Lord seemed to recommend strongly the doctrine of retaliation; a doctrine replete with horror, bloodshed, and the devastation of the human race. By the known and acknowledged principles of the law and custom of civilized nations, any subject, of any government, taken in arms against his country, was liable to be put to death; and in the very preamble of the present Bill it was stated that those persons who were to be employed were to be subjects of France. If any of those persons, engaged in our service, acknowledged by ourselves to be subjects of France, should be taken prisoners, and, in conformity with the law of nations, should be put to death as traitors to their country, and the avowed enemies of its Government, were we in such a case to retaliate? Were we to sacrifice, as the victim of revenge, any Frenchman who should be so unfortunate as to be made our prisoner, or, as the Noble Lord had suggested, give him up to the French troops in our pay, to glut their vengeance? And was it to be supposed, was it even probable, that the French would confine their retaliation to such French as they might make prisoners? Certainly not: British subjects would become a sacrifice to this inhuman system, and, if once commenced, where would it terminate? The House should recollect, that they all had friends and relations endeared to

sessions, and for a day or two Peers came down in time; but after that, those who did attend found they had no other satisfaction than waiting for an hour or two, till other Peers came.

A call was here made for the Order of the Day.

Earl Stanhope declared, before the Order of the Day was read, that next day, when they returned from the trial, he would move that in future they should go down into the Hall at twelve, and that the message to be sent for the next day's proceeding in the Hall upon the trial, state such intimation.

INQUIRY INTO THE CASES OF MESSRS. MUIR AND PALMER.

The Order of the Day having been read, the *Earl of Lauderdale* rose, agreeable to the notice he had given, to bring before their Lordships the case of Messrs. Muir and Palmer, lately convicted before the Court of Justiciary of Scotland, and sentenced to transportation for fourteen years to Botany Bay. The subject necessarily drew forth a variety of observations on the criminal jurisprudence of Scotland; it occasioned his Lordship to make a speech of very considerable length, and full of reasoning; and reference of a dry and unimpassive nature: We cannot therefore pretend to powers equal to a correct, minute report of an argument so various, so comprehensive, and so loaded with matter, that, however it might inform and instruct the calm reader in his closet, rather weighed down the mind of the hearer, than gave it buoyancy, and kept it sufficiently alive to all the sentences uttered, to retain them connectedly. Mr. Adam's speeches in the House of Commons have considerably assisted us, as he very carefully went over the whole ground, in several long arguments, on the different days on which he brought the subject forward under different questions. With their aid we give the reader an outline of the main points treated of by the *Earl of Lauderdale*, but we pretend to do no more. His Lordship began with saying, that he should shew want of taste, if not of attention to their Lordships, were he not to apologize for the intrusion that he must necessarily make on their Lordships' time. Before he encountered the subject, he would premise, that it was of such a nature, so complicated and technical, and so involved in legal difficulties, that even to a man of professional knowledge, and professional habits, it would be a question that would demand all his research, and all his powers. How then could he, who had not lived in professional habits, presume to meet and face the difficulty? The best apology that he could make, was simply to state to their Lordships the truth. Feeling a peculiar obligation to rest upon him with regard to every thing that affected that part of the country to which he particularly belonged, from the great
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tude he owed to those who sent him to that House, more than any individual Lord that had the honour to represent the Peerage of Scotland; owing to the unparalleled circumstances in which, of all the Representative Peers, he had the honour to stand; he was led to look at the trials which had lately taken place in that part of the kingdom, and which had challenged so much of the public notice, and compare the sentences passed on the persons convicted; with those which had been passed upon persons convicted of similar offences when tried before the Courts of England. His surprise at the difference of punishment in the two countries, and his anxiety for the welfare, tranquillity, and character of the country to which he belonged, led him to look for antecedent cases in the practice, or in the statute law, of that country, to justify those proceedings. He had done this in vain; not one case in the whole history of the Scotch criminal law stood upon record, either to justify, or even to countenance, the late proceedings. Nor was there a statute existing by which they could be maintained. In this state he thought it his duty, at the commencement of the session, to throw out his opinion on the subject; but he abstained from sooner bringing it before their Lordships for regular discussion, under an anxious hope, that, in consequence of what had passed elsewhere, it would have found its way into that House in a legislative shape. That object being lost, he was obliged, from a sense of his duty, to bring it forward before a judicial Court, to which it was well known an appeal lay from all other Courts but the Court of Justiciary in Scotland. His Lordship said, he was sensible of the general propriety of supporting the existing Government, and that men, desirous of preserving the order and happiness of society, would be ready to apologize for the inaccuracies and errors which might obtain in the most wholesome system: Cases, however, might occur, in which, from particular circumstances, the conduct of the Court of Justiciary might call for revision. They all knew, from the history of Great Britain, that cases so extraordinary might present themselves, as to render it necessary for the subjects, collectively, to resist the Government. Thank God, it had happened in the last century with success, or the liberties of Englishmen would not, in all probability, at this moment have had an existence. The doctrine, therefore, that he had just laid down, could not be denied, without committing a libel on the Revolution; and holding this doctrine with regard to all constituted authorities, it was most particularly true with regard to judicial establishments. He admitted, in its fullest extent, the necessity of protecting the characters of the Judges, and the conduct of the Courts of Justice, from attack,

or

or even from insinuation of impropriety or unfairness. He professed great personal respect for all the Judges of Scotland. They were men of high character, great talents, and unimpeached integrity. He had been taught to reverence them from his earliest youth, and had lived in habits of intimacy with some of them as far as difference of years would admit. He scrupled not therefore to avow, that no duty could be more sacred than respect to the Judges; but he expected it to be allowed him, that, like every other doctrine, it must have its bounds: There must be a necessary limitation of the principle arising from a comparison betwixt the magnitude of the evils of which you may have reason to complain, and that of the danger which you are likely to create. If the sentence of a Judge should be such as to be likely to do more injury to the manners and habits of the country, than the agitation and the animadversions which he might make upon it could produce, he should consider it as his duty to bring the subject forward, and to prevent the greater evil by the less. He considered the present cases to be of a nature calculated to strike at the very foundation of all obedience, and consequently calculated to engender discontent, intemperance, and disorder. It was a subject therefore that demanded the most serious attention of their Lordships; and however much he might feel the risk, by bringing the subject forward, of incurring the imputation of rashness, he felt comfort from the circumstances under which he did it, since, if there was any poison in the agitation of the question, its antidote would be found in the prudence, ability, and knowledge of the Noble Persons whom he was glad to see about him.

There was one Noble and Learned Lord*, whom he had the happiness to see in his place, who had for so many years distinguished himself by the unparalleled attention, strict impartiality, and unquestionable justice with which he had decided on the appeals from the part of the country in which the cases now the subject of discussion had arisen; that his conduct on this occasion was likely to make a much greater impression in that part of the kingdom, than that of any other individual in this part of the kingdom.

The Noble and Learned Lord on the woolfack, he was also sure, no prejudice would prevent from exerting his great talents on the present occasion, either to justify and make manifest the correct conduct of the Court of Justiciary, so as to do away the consequence of his rashness, or, if the proceeding were really liable to challenge, prevent the evils with which it was preg-

* Lord Thurlow.

nant, by a seasonable exercise of the undoubted inquisitorial powers of the House.

He further owned himself extremely happy to feel that, in provoking the revision he wished to take place, the Scotch Judges would be amply protected from any injurious impression his arguments could make against them, in their having an able defender in his Noble Friend near him (the Earl of Mansfield), who had declared he would be ready to meet any argument on the subject that could be brought against the Court, and would defend and justify their conduct. He thought the cases of Mr. Muir and Mr. Palmer had been attended by circumstances so extraordinary and so peculiar, that they might be fairly considered as exceptions to the general rule of preclusion against calling upon that House to revise the transactions that took place on their trials. All the analogies of the constitution were in favour of such interference. There was an appeal from all other criminal courts in the kingdom, as well as from the supreme civil court of Scotland. Regarding the subject in this light, therefore, it became a duty to himself, as well as to those who sent him there, to bring the subject into review. In doing this, he disclaimed all personal motives; he meant to mix no accusations of the learned persons of whose sentence he complained; he meant to rest his argument solely on the facts that he should state, and the authorities that he should refer to.

An argument had been used, which it was of some consequence to examine. It had been said, "Would you strive to alter the laws that have existed so long, and which have given the country universal satisfaction?" Whether such attachment ever did exist, and whether it existed at present, was a matter which, in his mind, was extremely doubtful. It could be determined from one only of four ways: 1. From the general voice of the people of Scotland with regard to their laws. 2. From the opinion of those the most conversant in the law. 3. From the testimony of the writers on the subject. 4. From the history of the law, the changes it had undergone, and the present practice. He would venture to say, that men would not attempt to justify the assertion, that the people were attached to their law, and that they had been happy under it by any one of those four methods of test. He had lived very much in the country in the early part of his life, had seen a great deal of it lately, and he would venture to say, that men, in general, thought the criminal laws, under the practice of them that at present obtained, unjust; and that those the most favourable to Government thought them too harsh and severe.

That the persons the most conversant in the Scots law had delivered opinions against it, he could shew their Lordships from Mackenzie, Maclaurin, and every other author of eminence. The law of Scotland, considered with respect to the criminal law only, his Lordship asserted, was more analogous to the criminal law of England, and nearer to it for the two last centuries antecedent to the union of the two Crowns, than it had been since. This assertion the Earl supported, and illustrated by a variety of quotations of cases from writers on the practice of the Scotch criminal law in the 15th, 16th, and 17th centuries. Since the union of the two Crowns, he contended, that there had been a deviation from the former practice, which had vitiated and stained the proceedings of their criminal judicature; and if he could take the wide range of the old laws of Scotland, and the present, the ancient practice and the modern, he should be able to shew their Lordships, that the people could not feel any great attachment to a system, under which, instead of the security and happiness which it was asserted they had enjoyed, there had been constant and well-founded complaints. The Earl shewed from the ancient anonymous treatises, generally bound up with the *Regiam Majestatem*, from Skeene, *de Verborum Significatione*, &c. and from various statutes, it appeared that none of the powers exercised by the Lord Advocate of this day, existed in the ancient practice of the criminal law of Scotland. The power of informations did not exist; and the precognition, which is now taken *ex parte*, used to be taken in the presence of the parties. The Lord Advocates at the Union, or soon after the Union, assumed all the power exercised by the Privy Council, and had assumed many powers which they did not possess. Formerly prosecutions originated from the individual; at present they must originate with the Lord Advocate. Formerly a presentment of offences was made by the Justices at the quarter sessions; at present there were no such presentments, and it lay entirely at the discretion of the Lord Advocate to take up cases or not.

A new practice had obtained, which could not be found in any of the books, and which was not founded upon any statute or law that he knew of. A paper of instructions was circulated to the sheriff's officers, and that from an office unknown to any ancient writer on the law, the office of the Solicitor to the Crown; and these instructions did not go upon the acts of Queen Ann, but on the authority of another officer equally unknown, the Procurator Fiscal. In short, the whole practice of the law of Scotland, in regard to criminal procedure, his

Lordship said, had undergone a most material change since the Union : Not for the better, by assimilating it with the law of England, but for the worse, as more unlimited powers were given by the change to the Advocate of the Crown, and the whole power of originating prosecutions was taken out of the hands of the individuals the best calculated to know the condition, the necessities, the manners, and the habits of the people ; such arbitrary alterations were likewise made in all forms of proceeding, as to render it in almost every particular the reverse of the ancient practice. How then could the people of Scotland be prejudiced in its favour ? Or how could it be said, that it had existed for so many ages to the welfare and prosperity of the country ? The question which he was to agitate, affected England as well as Scotland ; for declarations had been made by men in high power, in favour of what they termed the benign system of Scotland, and on the propriety of introducing it into England. The benignity of this sentiment, the Earl said, would be manifest to every Noble Lord, who would take the trouble of inquiring into the criminal jurisprudence of Scotland.

His Lordship stated the nature of the motions which he held in his hand ; it was his intention, he said, to move for the production of papers to support the objections which he had to make against the late proceedings in the cases of Mr. Muir and Mr. Palmer. And the reason why he should confine himself to their cases, was on account of certain peculiarities and marked distinctions between the allegations stated in the criminal letters of Messrs. Muir and Palmer, and of the other persons tried afterwards. In the criminal letters or indictments of the former there was clearly no charge of sedition, whereas in the subsequent indictments sedition was stated among the charges. After enforcing this observation, he said, he should propose to move an Address to the Crown in favour of those unfortunate persons, whose cases he thought not merely most severe as to their personal suffering, but most injurious to the country at large. It was not his design, he declared, to criminate either the judges or ministers : He was anxious only to induce their Lordships to redress grievances arising from error, and to extend justice to those unfortunate persons, who, in his opinion, unjustly suffered in consequence of that error. In arguing the question, he was not embarrassed by the want of materials ; but, on the contrary, he was oppressed by the quantity of matter ; the extent and complication of which called upon him to arrange and simplify the subject, and to select only the prominent points, which he should divide under separate heads. The propositions which he meant to main-

tain were : 1. That the crimes set forth against Thomas Muir, and Thomas Fysche Palmer, were what the law of Scotland termed *leasing-making*; i. e. uttering words, or publishing matter, tending to breed discord between the King and his People, and that those indictments charged no other crime wherever : And, 2. That the punishment of transportation could not, by the law of Scotland, be inflicted for the said crime of *leasing-making*. There were also three special points in the case of Mr. Muir, on which he should animadvert. The first was his challenge of, and objection to, the jurors, being over-ruled ; 2d, The admission of evidence to prove criminal matter not stated or contained in the libel ; and, 3d, The depriving him of the testimony of the witness, named William Ruffel.

Without going into a minute detail of the law of Scotland, his Lordship said, he could shew, from the book of the *Regiam Majestatem*, down to the latest authority, that there was no such thing as sedition constituting a distinct and separate offence, except the *seditio regni*, which was treason ; every other sort of sedition was simple *convocation* or *leasing-making*. From an inspection of the criminal letters it could be nothing but *leasing-making* ; and to prove this, he referred to the trials of Muir and Palmer, and read the precise words of the major and minor propositions. No such thing as sedition was charged in the major proposition of either of their indictments ; whereas in Margaret's indictment it was so charged. To say that there was such a latitude in the Scots practice, as that the indictments could all infer the same crime, though sedition was set forth in some, and not in others, was a monstrous proposition, and by no means warranted by practice. In the famous plea of Sir George Lockhart for the Earl of Argyll, he said, " It is alledged in the general, that all criminal libels, whereupon any person's life, estate, and reputation, can be drawn in question, should be founded upon clear, positive, and express Acts of Parliament ; and the matter of fact which is libelled to be the contravention of those laws, should be plain, clear, and direct contraventions of the same, and not argued by way of implications and inferences." It was uniformly the practice to state precisely the crime in the major proposition ; and, as sedition was not stated in that proposition against Muir and Palmer, their Lordships must agree with him, that the crime could be nothing but that of *leasing-making*. If so, he must come to his next proposition, that transportation could not be inflicted as the proper punishment under the law of Scotland. The Act of 1703 repealed all the former Acts for the punishment of this crime, and restricted it to an arbitrary punishment,

a fine,

a fine, imprisonment, or banishment. He gave the history of the Act, that its meaning might be thoroughly understood, and stated that, towards the end of the last century, when the oppressions that had been practised naturally aroused the indignation of the people, the claim of right passed as a remedy in their imaginations for the evil. In 1701, however, several oppressive trials having taken place, it was thought proper to give a further security to the people for their rights, and the Act immediately preceding that of 1703 shewed the sense and temper of the Parliament on the subject. It clearly proved the Act of 1703 to be a law of mitigation, and as such it certainly ought to be interpreted; not merely because it was a penal law, but because it was the express purpose of the Act to mitigate the former penalties. In truth, banishment in that Act never could mean transportation, either from the meaning of the word in common language, or from the legal import of it in the law of Scotland. Transportation supposed that the Court had authority over the place to which they transported. But as Scotland never had colonies till the beginning of the present century, they could not exercise transportation. This was the opinion of Sir George Mackenzie, and it was rendered more clear by the case of Kennedy before the Sheriff, where the Lords reversed the judgment of transportation, because it was out of his jurisdiction, but affirmed the banishment. This was rendered still more clear by the language of the Scots statutes. The Act of 1609 makes a clear distinction between banishment and transportation, and enacts them both in different parts of the same clause, to different degrees of guilt. The Act of 1703, which repealed the Act of 1609, enacted only the banishment, and left out the transportation. That the Scots law clearly understood the difference, was manifest in all their acts. In 1577 there was an Act against the transportation of horses; and there was an illustration of the difference by the Act of Charles II. in 1670. The distinction was made still more clear by the words in the sentence of the Court in the case of Haggart against Hogg, which was banishment, with certification, that if he returned he should be transported. The same sentence was passed on Elizabeth Kay for child murder, in 1699; and it was equally clear, from an examination of the cases in which transportation had been inflicted since the Union. It was constantly and uniformly used as a mitigation, and was applied only to three sorts of cases:—1. To capital cases where the punishment had been antecedently restricted. 2. To capital cases, where the Court inflicted a milder sentence: And, 3. Where capital punishments had been inflicted. There was only a single excep-
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tion of a mobbing case in 1771, and this did not at all apply to the question. It was made still more clear by an examination of the cases of *leasng-making* since 1703. Mr. J. Dundas was tried for *leasng-making* in 1712; and the case was certainly a most seditious one; inasmuch as Mr. Dundas had endeavoured to prevail on the Faculty of Advocates to accept of medals from the Pretender, striving thereby to encourage them to countenance his attempt to overthrow the then existing constitution and government of the kingdom. The crime was certainly most heinous, yet it was laid as mere *leasng-making* on the Act of 1703, and restricted to the mild punishment of that statute. The prosecutions in 1714 and 1715 were of the same kind; and Sir David Dalrymple, then Lord Advocate, in his plea on the occasion, stated that the laws against *leasng-making* were anciently odious, on account of their extreme severity; but since the happy Revolution, that crime, amongst many others, had been removed; what was useful in the Acts against *leasng-making* was preserved the bitterness of the punishment was restrained, and so the odiousness of the law was taken off. But a few years after the Act had passed, was this interpretation solemnly put upon it.

In the years 1714 and 1715, years of alarm and trouble, when a rebellion was raging in the country, and armies were embodied in the field to pull down the present family, and to re-establish arbitrary power, men who were tried for abetting this crime, were tried for *leasng-making*, and sentenced only to a small fine and short imprisonment. It was needless to enumerate or to detain the House by arguing the 6th and 25th of the present King, as they only empowered the punishment of transportation to the Scots Judges in the cases where it existed before. Nor could the sentence passed upon these unfortunate persons be justified by the Act of 1703, even if Transportation could be inferred from the word Banishment. That Act completely abolished the punishment of death applied to the crime; and yet the circumstance of their being liable to death on the event of their return from transportation, makes it possible to extend this punishment of death to the crime of *leasng-making*; an express contradiction of the statute.

The arguments drawn from the Act of 1696. and the arguments so much relied on respecting the case of Baillie, it would be material for their Lordships to attend to: The Act of 1696 against fraudulent bankrupts had words very different from the Act of 1703; it gave the Judges the power of inflicting "banishment or otherwise, death excepted." Under these extensive words, which were not in the Act of 1703, they might claim the power of transportation; and yet no decision took

took place on the Act till 1747. The case of Baillie in 1704, which had been brought forward in justification of the late proceedings, was truly curious. That horrid Court, the Privy Council of Scotland, the jurisdiction of which could not be declined without incurring high treason by the Act of James VI. was stated to justify the procedure of the Court of Justiciary. Last year the Noble Lord on the woolfack, in answer to Counsel at their Lordships' Bar, had said, "Would you attempt to draw any argument from the practice of the iniquitous Privy Council, the worse than Star Chamber of Scotland?" He had no doubt but that Noble and Learned Lord would still hold the same language with respect to this case. But what was the case? Baillie was agent of the Marquis of Tweeddale's party against the party of the Marquis of Annandale. In the rage of faction, he was brought before this horrid tribunal, where the Lord Advocate was both the accuser and judge, and there, as might be expected from such a Court, he was sentenced to pillory, transportation, declared infamous, &c. What was the consequence? The day after the sentence so monstrously iniquitous, did it not appear that he was advised to petition the Parliament against it? But the Session concluded so immediately afterwards, as to make it impossible then to present his petition. On the commencement of the next Session, the petition was presented to the House, and on the twenty-first day of the Session, an Act of Liberation passed in his favour. Such was the case which the industry of the Crown lawyers of Scotland had brought in justification of their conduct. As they had brought it forward, he demanded the benefit of it. The petition for Baillie stated the hardships of the case from his long imprisonment. What however was his suffering in comparison of that of the unfortunate Gentlemen in favour of whom he desired to move their Lordships? They were confined in the cell of a narrow and contracted ship, moist and damp, with twenty-four convicts of the most atrocious kind; and so severe were their hardships, that one* of them was, already, even nearly reduced to his last by extreme illness, incurred by the hardships of his situation. He desired, then, that their Lordships should do what was done in the very case brought to justify the proceeding—that they should pass an Act of Liberation.

The Earl said that he might rest his case here, satisfied that there was no crime known to the law of Scotland but *leasing-making*; that transportation could not be inflicted for it; that all the defences set up for the late proceedings had

* Mr. Palmer.

crumbled down before inquiry; it was necessary however to observe, that if the sentence had gone beyond what the law authorises, the execution of it had gone beyond the ideas even of those who inflicted it. A circumstance had come out publicly, which it behoved their Lordships to reflect on and consider. The Lord Justice Clerk, since the trial, had declared himself perfectly surprised at the nature and extent of the sentence he had passed. He had said, that, in sentencing these persons to fourteen years transportation, in consequence of which, they were to be sent to Botany Bay*, it was not in his contemplation that they should be confined to that place, or that they should be prevented from going to any other, provided they did not return here; or that they should be kept in servitude, and subjected to controul. The Lord Justice Clerk had declared, that his idea was, that the convicts were only to be banished for fourteen years, on pain of death, if they returned to Scotland, but that they were to be at liberty all the time. Such was the idea of the Court that inflicted the sentence; and certainly, when a Court had the power of inflicting an arbitrary sentence, their definition of it ought to be most strictly conformed to. From the instructions of Governor Philip to Sir John King, when sent as Deputy Governor of Norfolk Island, the Earl read the following words: "The convicts being the servants of the Crown for the time for which they are sentenced, their labour is to be for the Public. You are not to permit any intercourse or trade with any ships or vessels that may stop at the island, whether English or of any other nation, unless such ships or vessels should be in distress." Hence it appeared that the convicts' service was considered as the service of the Crown during the time of their transportation, and their labour was apportioned accordingly, consequently a sentence was to be executed on them which was not only not inflicted, but not even in the contemplation of the judges. They might be made the slaves of malefactors, who had or had not served out their times, obliged to perform a daily drudgery, and reduced of course to a situation the most horrid that human nature could experience. If Governor Philip were, by accident, to meet with the Lord Justice Clerk, and to be inquisitive of the nature of the sentence, he would

* The Court of Judicature does not pass sentence of transportation to Botany Bay, but merely adjudges sentence of transportation for seven or fourteen years. The place, to which convicts under sentence of transportation are sent, rests with the Executive Government of the country, who necessarily send to the accustomed place of transportation at the time. Unfortunately a law of *ne exeat regno* is in force at Botany Bay, and attaches as soon as the convicts are landed.

be told that he must not confine them to the island if they chose to go away, or to employ them in any toil. Undoubtedly every new week he would hear from the advocates for these sentences different accounts of their nature, and would go away perplexed as to the course which he must take concerning them.

His Lordship said, he must still detain the House with referring to the three particular points in Muir's case, upon which, in his mind, an Address to the Throne was indispensibly demanded: And first of the objection or challenge made by him to his jurors, he stated the history of the Society at Goldsmiths' Hall in Edinburgh, and their proceedings against Mr. Muir previous to the trial, the Society having, in consequence of certain initial letters annexed to his name, crossed it out of the books of the meeting. Five members of that Society were put upon Mr. Muir's jury, and therefore, he argued, that having pronounced upon him so marked a judgment previous to the trial, Mr. Muir's challenge of them as jurors ought to have been admitted. To support his argument in this particular, he stated the analogy of the law of England, as shewn in Hawkins's Pleas of the Crown, in Blackstone, &c. and it was still more strongly conformable to the ancient practice of the Scots laws, as had been shewn in the case of the trial of the Earl of Balmerino: "The Earl objected to the Earl of Dumfries, because he had been solicited, and dealt with by prayer, to find the pannel guilty of the *dittay*; which being referred to the said Earl his oath, he denied any such matter, that he either gave out speeches of the pannel's guiltiness, or that he was solicited or dealt with by prayer or otherwise. The Justice admits him in respect of his declaration. It is alledged against my Lord Blantyre, that he cannot be upon his assize, because he has publicly reported to sundry, that the pannel, to his judgment, is guilty of the *dittay*, and cannot be cleared thereof, which they refer to his Lordship's oath; who being sworn, declared, that he could not deny that he had spoken such speeches; whereupon he was repelled, and ordained to stand *aside*." Here was a case perfectly in point; for the gentlemen of Goldsmiths' Hall had pronounced a judgment against Mr. Muir. Some of them too were in the King's service; and one of them admitted that he thought this a proper challenge; and so it was according to the ancient law of Scotland: "Nae man, wearing the King's claiise or liverie, shall sit on the assize." And Sir George Mackenzie says, that out of the forty-five jurors, the defendant, by the ancient practice, could make a peremptory challenge to thirty of them.

With regard to the second point, his Lordship said, that proof had been brought of criminal matter not in the libel; and he argued this as a fatal objection, particularly in a Scots trial, where the defendant was bound to give in a list of his witnesses before-hand; and was not thus to be taken unawares, without limitation as to the period of time, and without being able to provide for his defence. His Lordship defined the form and component parts of an indictment or libel, stating it to consist of a logical syllogism, a minor, major, and conclusion; as our readers have already seen it defined by Mr. Adam in his arguments in the House of Commons.

The third point, he contended, was equally material. To withhold from Mr. Muir the benefit of the evidence of Ruffel, on the score of prevarication, was inconsistent with all fair proceeding, and with all rules of evidence. Prevarication might destroy the credibility of a witness, but it could not make him incompetent. The distinction was so clearly understood in the English practice, between credibility and competency, that there never was a moment's hesitation on the subject; and he instanced the very memorable and recent case in the trial of John Innes at Guildhall, London, where a witness, of the name of Wood, had acknowledged that he was guilty of perjury, and had called himself Borthwick; yet he underwent a long examination respecting the facts of the case; and it was not until the jury had returned their verdict, that he was committed for the perjury. It was also well understood in the Scots practice; for at the Circuit Courts at Dumfries, before Lord Coalston, an objection was made to the evidence of James Rae, a witness for the King, that he ought not to be examined, because he had, upon different occasions, been accused of perjury; but the judge said, this was not a reason for him to withhold his evidence from the jury; it might be a reason for them not to believe it. And it was the general sentiment that they were always to favour and lean to that which could operate for the defendant in a criminal trial. Whether the Scots judges, in the late proceedings, had felt and acted upon this sentiment, the treatment of the poor man who hesitated at taking an oath in a particular way, the treatment of Ruffel, and the welcome given to Ann Fisher's evidence, together with the whole train of their conduct on the occasion, would determine.

He had detained their Lordships so long, that the Earl said, he would not much further intrude upon their patience. There was but one more proposition, which, if it was well founded, as he believed and contended it was, would completely demolish the whole of these sentences. It was, that

the Court of Justiciary were incompetent to carry on the trials without a warrant from the Crown for the specific purpose. No trial before the Union of the two Crowns, had commenced without authority under the King, signified under the King's warrant, or by a letter from the Secretary of State, authorising in the King's name such a trial to be held. Before the Union, it was clearly and manifestly necessary that such a warrant should issue, and he contended that there was not a case since the Union where it had not issued. In the trial of Mr. James Dundas in 1712 it was produced; and so it was in the trials of Graham, Crawford, Hogg, Oliphant, Watson, &c. tried in 1714 and 1715. If this then was true, what was altogether the case of these unfortunate persons Messrs. Muir and Palmer? That they were tried by a Court not competent for the purpose, by jurors to whom there were valid and legal objections, upon charges not specified according to law, where evidence was admitted of facts not alledged in the charges, where witnesses not incompetent were rejected, condemned to a sentence inapplicable to the charges, and that sentence executed in a way inconsistent with the ideas of the Court which pronounced the judgment.

In the course of his speech the Earl of Lauderdale made frequent references to the book of Sir George Mackenzie, and a variety of other authorities, and in all that he said, respecting the particular proceedings on the trial of Mr. Muir he assured their Lordships that he spoke of the facts in question from that edition of the Trial generally considered as the most adverse to the pannel. His Lordship brought his copious and comprehensive speech near to a conclusion, with a warm appeal to their Lordships on the propriety of discretion vested in judges. Whenever it was so entrusted, it was a sort of legislative power, and ought of course to be exercised with the utmost delicacy. Man acting upon that power, painful and afflicting as it must be to himself, would naturally look at all the precedents by which his discretion might be guided, and all the collateral circumstances from which he might collect a rule of conduct. Had the Scots judges turned to the cases in 1715, when a rebellion was raging in the country, they would have found, at a time infinitely more perilous to the government than the present, similar, or rather infinitely more glaring offences had been punished with a very short imprisonment, and a small fine. Had they looked to the conduct of the neighbouring country, England, to which one would imagine they would naturally have adverted, they would have found that the publishers of Paine's book, which Muir had only lent, were sentenced to pay a fine of a hundred

pounds; and that in Ireland, Hamilton Rowan, the author of the Letter which Muir only read, was sentenced to two years imprisonment. Had they looked to the habits, the temper, and the manners of the kingdom, they would hardly have inflicted a punishment so disproportioned to the punishments for the same offence in the neighbouring countries; and which consequently must make all mankind view Messrs. Muir and Palmer as objects of pity rather than of guilt, and as sufferers under a sentence infinitely exceeding in severity the extent of their offences.

In two countries united together by the same interests, incorporated under the same head, the administration of the law ought to have a reference to the system of both. If a system of criminal jurisprudence, severe and ferocious, prevailed in the one country, and a system of jurisprudence mild and moderate existed in the other, what must be the consequence? Discontent must be engendered in the country in which severe punishments are inflicted; and in the other, so far from viewing the person made the object of that extreme severity, as an object of guilt, he would be cherished as worthy of their applause. Nor was this all: The consequences would still be more serious, as the public mind receives the impression of ferocity from the ferocity of its government. As fluids partake of the nature and qualities of the materials that surround them, so the passions of men imbibe their quality from the temper and character of the government. France was a melancholy example of this eternal truth; the horrid punishments, the cruel mockery of all justice, which, under the old government, had so long afflicted that people, had accustomed them to ferocity and horror, and at this day the effects of that system were dreadfully visible in the unexampled cruelties which ravaged the republic, and revolted the feelings of all Europe. It was of consequence to their Lordships to think whether they were to countenance acts of severity that might engender sentiments of the same kind. The mild system of English jurisprudence contributed more than any thing else to that humanity, which was the brightest feature in the character of Englishmen. It was not by the severity of punishments that example was enforced, so much as by the certainty; and a Noble Lord, whom he had the honour to see in his place, had given his sentiments on the pernicious effects of the severity of punishments, that it was impossible for him to express his own ideas in words so able, so elegant, so clear, or so applicable. He read the following passage from Lord Auckland's Treatise on the Principles of Penal Law, 3d edit. p. 12, 13.

“ When the rights of human nature are not respected, those

those of the citizen are gradually disregarded. Those æras are in history found fatal to liberty, in which cruel punishments predominate. Lenity should be the guardian of moderate governments:—Severe penalties, the instruments of despotism, may give a sudden check to temporary evils; but they have a tendency to extend themselves to every class of crimes, and their frequency hardens the sentiments of the people. *Une loi rigoureuse produit des crimes.* The excess of the penalty flatters the imagination with the hope of impunity, and thus becomes an advocate with the offenders for the perpetrating of the offence.

“The convicts who have stolen cloth from the tenters, sustian from the bleaching-ground, or a lamb from the landlord's pasture, know the law to have assigned death, without benefit of clergy, to each of their offences: But, in the depth of ignorance and profligacy, mere instinct informed them, that common humanity would recoil at the idea, and they relied for their security on the ingenuity of mercy to evade the law.

“Legislators should then remember that the acerbity of justice deadens its execution; and that the increase of human corruptions proceeds, not from the moderation of punishments, but from the impunity of criminals.

“In the promulgation of every new offence, let the law-giver expose himself to feel what wretches feel; and let him not seem to bear hardest on those crimes, which in his elevated station he is least likely to commit.”

Lord Lauderdale asserted that the truth and force of the extract he had read from the Noble Lord's book were irresistible; he therefore warmly recommended to their Lordships the contemplation of a sentiment so essential to the happiness of the two countries. It was not for the one more than for the other that he, that night, so urgently pressed the consideration of this topic: It was not for the relief of the unfortunate persons themselves alone, but for the whole community, for the order and peace of society, for the efficacy of good laws, and the obedience of a satisfied people, that he argued. Every consideration dear to them as Britons and as Legislators, ought to urge them to interpose in time, and prevent the influence of the error in judicial administration, which, in his conscience, he thought had been committed by these proceedings. His Lordship at length concluded with moving, as a preliminary to his Address, for the Production of the Papers, Records, &c. respecting the Trial and Sentence of Mr. Muir, and any Minutes that might have been made in regard to the Challenge of Jurors, the Exhibition of Evidence, &c. avowing
his

his intention to follow up his motion, with others of a similar nature, respecting Mr. Palmer, Mr. Margatot, and Mr. Skirving.

The Earl of Mansfield began by saying, that so severe an attack having been made upon that Court to which he had the honour to belong, he was sure their Lordships would indulge him in a reply, even at that late hour. "I cannot," added he, "defend my colleagues in office with their ability, but I will defend them with the same temper, calmness, and moderation, with which they would defend themselves, if they were here before you. Conscious of their integrity, conscious of the rectitude of their conduct, to all the powers of eloquence, to all the vehemence of declamation, to all the arrows of invective, they would be contented to oppose the broad, the seven-fold shield of justice, reason, and truth.

"Tempting as it is (continued the Earl) to follow the Noble Lord through the wide range he has taken, I will resist that temptation, and confine myself closely to the question. That your Lordships may the better judge how far I keep to this promise, I will attempt to state, with precision, what I conceive the real question to be. I must entreat your Lordships to keep in constant remembrance, that, as you have no right of revision, you must take the verdict to be perfectly correct. You must consider Mr. Muir as convicted of all the crimes libelled; since, of those crimes, the Jury have found him guilty. You must hold the proof to have been sufficient; since it was satisfactory to the Jury who tried the cause. The only question, therefore, that does or can arise, is simply this: Was the punishment inflicted upon those crimes, such as is warranted by the usage and principles of the law of Scotland? Or, in other words, Did the Judges, in the sentence which they passed, exceed the bounds of the legal discretion vested in them by the wisdom of the Constitution?"

His Lordship then entered into the general argument, and said, he should, perhaps, make himself better understood, if he reversed the order that the Noble Lord had followed. "I shall begin (said Earl Mansfield) by shewing, that if Mr. Muir had been indicted for leasing-making, had he been tried under the Act of 1703, which he certainly was not, yet the fair interpretation of that very statute, so much relied on for a different purpose, would have fully warranted the sentence of banishment by transportation. It is attempted to take some advantage (said his Lordship) of the very limited sense usually affixed to the word *banishment* in this country; but the true question is, what sense it bears in the law of Scotland. I contend that, in that law, banishment has the same large, extended

tended meaning, that *exilium* had in the Roman law, which is not only mixed and mingled with the law of Scotland, but is, by express statute, declared to be the common law of the land. The Noble Lord has stated, very accurately, the different sorts of banishment known to the Romans, but he has omitted to mention, what I beg leave to add for him, namely, that the word *exilium* applies equally to them all. It could originally mean only the *interdictio aque et ignis*, the only sort of banishment known in the time of the Republic; but the Romans, although they did, I believe, understand the philosophy of *genus* and *species* as well as we do, saw no absurdity in applying the word *exilium* to the much severer punishment, the *deportatio ad insulam*, introduced in the reign of Augustus. Of this, my Lords, I will give irrefragable proof, by reading a short passage from the Digest Book. xlviii. title 22. ‘*Exilium simplex est, aut certorum locorum interdictio, aut lata fuga, ut omnium locorum præter certum locum, aut insule vinculum, id est, relegatio in insulam.*’

“To shew the large sense in which the word *banishment* is understood in the law of Scotland, I will adduce the authority of Sir G. Mackenzie, who has been repeatedly mentioned this day with great and deserved praise. Speaking of that crime, which was by the Romans called *ambitus*, he says, the punishment of it was *deportatio*, which was much like our banishment. Your Lordships see at once, that it is only to transportation that the *deportatio ad insulam* bears any similitude. It is impossible to deny, that transportation was a punishment known in Sir G. Mackenzie’s time, as, in his Vindication of the Reign of Charles the Second, he expressly justifies the sending to the Plantations those men who were taken at Bothwell Bridge; and says, it was not cruelty, but lenity, as it was commuting a capital banishment into exile: Exile is the very word he uses. What clearly shews the sense in which the courts of Scotland understood the word banishment, is, that in the sentences which they pronounce, the word *banish* is generally used in the body of the sentence, where the punishment is transportation.” After reading several extracts in proof of this, his Lordship said, it would be easy to enlarge upon the subject, but he would not permit himself, especially at that late hour, to dwell upon arguments, which were merely arguments *ex abundantia*, as they were technically called. “I may safely (continued the Earl) concede to the Noble Lord any interpretation he chuses to put upon the Act of 1703, as it will not affect the question in the smallest degree. Muir was not tried for *leasing-making*, as the indictment clearly shews:

shews: Compare the indictment with that in the case alluded to in 1712, and mark the difference. The indictment in 1712 has, in almost every sentence, a reference to the Act of 1703, and to the previous Acts therein recited. There is not the least mention of them in the indictment of Mr. Muir. The Noble Lord has argued, as if Muir had been found guilty of only *one* offence: What say the Jury? They find him guilty of the crimes libelled; that is, of *all* the crimes, though his principal offence was real active sedition, that species of sedition, which consists in exciting the people against the established Constitution; that species of sedition, which, in the *Regiam Majestatem*, is called *seditio regni*; and which Skeene, in his translation, calls sedition against the realm. This *seditio regni* is by Sir G. Mackenzie, who ranks leasing-making among verbal injuries, made a distinct head of offence. He calls it a commotion of the people, assembled without lawful authority, and which has for one of its objects (I need not go into the others) *mutationem reipublice*. He calls it a commotion, but it will surely not be maintained that actual commotion is of the essence of this crime. Your Lordships all know, that the mode of perpetrating crimes varies according to the temper, the manners, and the complexion of the age. Thus, to take a memorable instance that occurs to me in the history of France, in the time of Katherine of Medicis, poisoning was much more frequent than open assassination. The mode of perpetrating the crime was different, the guilt the same. I will not trouble your Lordships with the application; it is easy and obvious. Mr. Erskine, one of the latest and best writers upon the law of Scotland, says expressly, ‘Real sedition is inferred from an irregular convocation of a number of people, without lawful authority, tending to obstruct or trouble the peace of the community.’ This sedition was high treason by the law of Scotland, and, without the Act of the 7th of Queen Anne, would be so at this day. From the passing of that Act it ceased to be treason, but did it, therefore, cease to be a heinous crime? The Noble Lord seemed to hint an opinion to that effect; he insinuated, that real sedition being no longer treason, the offence is done away: That was his expression, but he surely will not seriously maintain such an opinion! Where the Legislature, upon grounds of policy, makes that criminal which is not *malum in se*—this applies to many of our revenue laws—the moment the statute is repealed which made the offence, the guilt ceases. The crime, which is the creature of the law, dies with it; but not so with those acts which are criminal in the nature of things, which

which strike at the root of society, and must in every civilized country be crimes either under positive enactment, or at common consuetudinary law.

"Muir's sedition, being no longer a capital offence, falls into the very numerous class of offences at common law which are subject to what is called arbitrary punishment. I hope the delicacy of your Lordships' ears will not be offended by the harsh sound of the word *arbitrary*. You would use the softer word *discretionary*; but you will remember, that much of the legal phraseology of Scotland is borrowed from the Roman law: *Penas arbitrias vocant, quæ non certâ lege definiuntur, sed arbitrio judicis relicte sunt*.

"There is one ground here of distinction that pervades the whole criminal law of Scotland, which I shall endeavour to state in the very words of one of the earliest writers upon the subject. In his short chapter upon the division of crimes, he says, 'Crimes are punished by a lawful pain specially set down and prescribed by the law, or the pain thereof is arbitrary.' I can safely venture to affirm, that the crimes of the last description, *viz.* those left to arbitrary punishment, are much more numerous than those to which a special pain is affixed by positive law.

"To conclude the argument, it is necessary to shew, that transportation is an arbitrary punishment well known and long established in the criminal law of Scotland. It is expressly recognised *eo nomine* as a legal punishment in the famous Act of 1701, which is the *Habeas Corpus* of Scotland, the great bulwark and guardian of our personal liberties. I will here fairly confess an apprehension I entertain upon this part of the subject. I know that your Lordships are sensible that the law of Scotland forms the only rule by which this question can be tried; but I know also, that it is difficult even for your wisdom to abstract entirely from your knowledge of the law and practice of your own country. In England, I believe, sentence of transportation is never passed but as a mitigation of punishment for a capital offence, or under the sanction of particular statute. Not so in the law of Scotland. I will read to your Lordships various sentences of the Court of Session inflicting the punishment of transportation for no capital offence, and under the sanction of no positive law."

His Lordship then read from the Acts of *Sederunt*, published by Tait, several sentences by the Court of Session, of transportation for fraudulent bankruptcies, for erasing an interlocutory, for perjury, and subornation of perjury, which, he observed, were not subjected to transportation by statute; as the Act of George the Second, inflicting transportation on

perjury, and subornation of perjury, does not extend to Scotland.

"The Noble Lord (continued he), in order to elude the pressure of these precedents, has endeavoured to establish a distinction between the Court of Session and the Court of Justiciary, and to maintain, that the Court of Session might, perhaps, in virtue of their *nobile officium*, be authorised to inflict severer punishment. Though I am far from admitting this doctrine, I will wave the discussion for a reason which your Lordships will instantly perceive. I hold in my hand an extract from the records of the Court of Justiciary: Out of many instances of transportation sent me by the Gentleman who made the recant, I have selected those which appear to me to be directly in point." His Lordship then read eleven or twelve sentences of transportation passed by the Court of Justiciary for battery, for mobbing at elections, and for swindling. "These, my Lords (said the Earl), are recent instances, and directly applicable, as I conceive. I hope it will not be contended, that the offences of which Muir was found guilty are less heinous offences than battery, than swindling, and mobbing at an election! The result of the whole then is simply this; upon offences of a heinous nature, and which would formerly have amounted to treason, the Court of Justiciary, according to the established law of Scotland, have inflicted the severest arbitrary punishment, thinking it the only punishment adequate to such crimes. Heavy fines are not usual in Scotland, and the severest fine would have been only a tax upon Mr. Muir's friends and adherents, by whom it would have been immediately paid. Long imprisonment is unusual, close imprisonment unknown; so that the sending them to prison would have been opening a shop, or warehouse, for sedition. Banishment to England would have been preposterous: It would have been, not punishment, but reward. Besides, my Lords (continued the Earl), do we seriously mean to say, that we wish the Judges of Scotland to reason and act with respect to England in this manner: 'We will take care of our own part of the united kingdom, but we are indifferent to the fate of yours; we will free ourselves from the contagion, but we will send the pestilence to you!' I will stop short here, as I perceive that I am going beyond what the strict line of argument requires. If I have been at all successful in shewing that the sentence passed is warranted by the practice and principles of the law of Scotland, the whole question is at an end. As your Lordships have no right of revision, if the discretion exercised was legal, you are bound to presume it wise.

"Having

" Having said thus much, may I not be permitted, before I sit down, to lament at least the treatment which the Judges of Scotland have received? Your Lordships all feel, the Noble Lord has himself admitted, that it is of the greatest national importance to maintain inviolate the public reverence for the courts of law. The wisdom, the purity, the firmness, and rectitude of our tribunals, have long been the pride, the glory, the happiness of this country; the admiration and envy of every other. Of this pride, of this glory, of this happiness, I say it confidently, Scotland has her full share. Speaking of my colleagues in office, I am warranted in saying, that at no period of time was the Court of Justiciary better composed. I have not the pleasure of personal acquaintance with the Lord Justice Clerk, but I have long heard the loud voice of fame, that speaks of him as a man of pure and spotless integrity, of great talents, and of a transcendent knowledge of the laws of his country. His associates are men of equal integrity, and of very distinguished merit. They have acted upon this occasion in a manner worthy of themselves, worthy of their characters, worthy of the rank they hold in the general estimation of mankind; with manly firmness they have discharged a painful but necessary duty. They were well aware, from the temper of the audience at the time, that they should be exposed to popular clamour, and its constant attendant popular obloquy; but they felt that within them, which would not suffer them, from any consideration, to deviate a hair's breadth from the line of conduct their duty had drawn. They felt that their characters, and the whole tenor of their public lives, gave every one of them a right to say, what was said by a great Magistrate of old, and repeated in our day*, on an occasion not dissimilar to the present, *Ego hoc animo semper fui, ut invidiam virtute partem gloriam non invidiam putarem*. They knew that there are times and circumstances in which popular obloquy is the height of praise; they knew that he who suffers the firmness of his mind to be shaken by popular breath, he who will let his public conduct be influenced by any personal regards, can never fill the seat of judicature as he ought, can never discharge her great and awful functions with honour to himself, or advantage to the Public.

" I will detain your Lordships no longer, than to return my sincere thanks for your indulgence, and to make one request which your justice will not refuse. Your Lordships all know how little I am accustomed to treat subjects of this kind. If, therefore, there has been much want of clearness and precision in the course of the argument, your Lordships will refer that

* By the late Earl of Mansfield.

defect to its true source; you will ascribe it to the inability of the speaker, not to any weakness in the cause he has endeavoured to defend."

His Lordship concluded with declaring, that he should sit down in the confident hope, that, before the close of the debate, the subject would be discussed by those, who, to their great and splendid talents, add all the advantages of professional knowledge.

Lord Hay (Earl of Kinnoul) said, after the able speech of the Noble Earl it was not necessary for him to detain their Lordships any length of time; but from all that he could collect, he was decidedly of opinion, that the Court, to whose upright, equitable, and just conduct he could bear testimony (for though his testimony was not wanted, it was a satisfaction for him to give it), had done their duty fairly, wisely, and well. His Lordship said, he wished the question had not been agitated. It was a matter of nice and serious consideration to arraign the conduct of the judges, and still more serious, to overturn the whole code of criminal judicature of Scotland, for nothing short of that appeared to him to be the object of his Noble Friend. His Lordship stated a variety of cases, and read many extracts, which extended his speech to some length.

The Lord Chancellor said, he did not rise to enter into the matter at large; it was wholly unnecessary after the most able speech of his Noble Friend the Noble Earl in the green ribband. His Noble Friend had given, as it were, demonstrative proof of the fallacy and futility of the Noble Earl, who with great eloquence, great labour, and great ingenuity, had gone through so large a compass, and endeavoured to establish some charge or other against the Court of Justiciary of Scotland. The Noble Earl in the green ribband had stated the general principles of the law of Scotland so well, that he had left him nothing to add upon it; the propositions he stated were so plain, so clear, and so evident, and the reasoning he had urged in support of them so satisfactory, that he was sure their Lordships were perfectly convinced on that subject. The Noble Earl had argued it, as if he were himself a judge, with temper, with reason, and with knowledge. He had proceeded to state the character and constitution of the Court to which his motion referred; and had done it with the energy of truth, without the ornament of declamation, in so able a manner, that he should conceive it would hurt the cause of justice, were he to enter upon these topics after the Noble Earl, and to attempt to tread in the same steps, because he might injure the impression by endeavouring to improve it. He would therefore confine himself to a few matters which the Noble Earl had not touched upon, but which might be, perhaps,

perhaps, the fringes of the argument, matters merely incidental, which if not noticed, might possibly be considered as incapable of an answer. With regard to the challenges to the jury so much insisted on by the Noble Earl, they were most preposterous and absurd. It had been objected that some of the jury who tried the cause had made a declaration to support the constitution, and to defend it against its opponents; he meant the declaration of the Goldsmiths' Hall Association. That declaration was perfectly right and justifiable, since it went no farther than every honest man would wish to go, namely, to state an abhorrence of seditious practices. If the ground of this objection was to be held a solid one, there could not be a jury of honest men in the kingdom fit for the trial. Supposing that a highwayman was put upon his trial, and he were to challenge any of his jury, on the ground that they had either entered into an association, or joined in a subscription to protect their property against depredation, ought they on such an objection to be set aside as jurymen? Upon such a challenge as that insisted on in the case of Muir, we might proceed to reject all the authority of the law itself, as a rule of action for men in a social state; and to the character of all judges, as the expounders of that law: This would at once put an end to all law, and silence the opinion of all lawyers upon a question of sedition. As well might it be said that all those, who, many years ago, entered into a determination to oppose, and expressed their detestation of an offence that at that time had grown into use, such as knocking a man down in the street, and afterwards robbing him, were disqualified to form a jury to try any person who had been guilty of that offence, because they were declared enemies of such practices; would any man hesitate to pronounce that such challenges, if admitted, were a mockery of justice?

With respect to the second objection, viz. that matter had been allowed to be proved which was not stated in the indictment, it was idle, since it could not be denied that the Lord Advocate waved what he had a right to insist on in that respect, which so far argued that there was no harshness in the prosecution; and he was not a little astonished to hear it supposed, that it added to the objection, that what passed at Goldsmiths' Hall, passed previous to the charge libelled. There would have been some ground to complain if it had passed subsequently, as in that case it would have been a valid objection. With regard to the conduct of the Court on the evidence of Ann Fisher, his Lordship declared that he believed no man in this country, who pretended to be a lawyer, could blame the Court upon that subject. It had been stated, as a third

third objection, that Russell's evidence had been denied to be admitted; nothing surely could be more justifiable, than refusing to admit the testimony of a man clearly wilful in persisting to deny what he must have known. The Noble Earl had stated, that a witness had been improperly committed for prevarication, and afterwards rejected by the Court improperly. In the first place, that witness was not committed for prevaricating in his answers; he was committed for refusing to answer a question, when it was evident that he must have been able to answer. The questions put to him were plain and simple, and related to a conversation which had taken place only three days before his examination. He said he *could not* tell when: The truth was, he *would not* tell. And here he could not help taking notice of the general observations of the Noble Earl who brought this motion forward, who said, that the rules of the admissibility of evidence were general; from this he dissented; the rules were not general, they were not the same in England as they were in Scotland. In England, the Court judged of the competency or admissibility of a witness only, and left his credibility to the jury. In Scotland it was otherwise; for there the Court had power to determine whether he should be examined or not; and, generally speaking, no defendant, he was pretty sure, had any reason to complain of this rule. In nine cases out of ten it must operate in favour of the defendant. If the Noble Earl had given himself the trouble to be well informed upon the subject, he would have known how vague all general reasoning must be respecting it, because the thing itself was not governed by general rules, but by the particular practice of the law of particular countries. So different, for instance, was the law of England from the law of Scotland, in saying what sort of person should not be examined, that the law of the two countries had not the most remote resemblance. In England, in any parochial case, a parishioner could not be examined; nor could a corporator in a question belonging to the borough of which he was a member. The law of England said he should not be examined, because it was possible he might be interested in the event: This rigour was found to be too inconvenient in some instances to admit of the due administration of justice, but it could not be abated but by a positive Act of Parliament, which was passed for that specific purpose. That was not at all the case of the law of Scotland, for by it the Court were to use their discretion as to the admissibility of a witness. His Lordship particularly mentioned the practice in *à voire dire* in England, and explained in what manner it applied.

He owned himself perfectly astonished at the Noble Earl's argument, that the Court of Justiciary was incompetent to try either Mr. Muir or Mr. Palmer without a warrant from the Secretary of State. It might possibly happen in the case of Mr. James Dundas in 1712, that a warrant had been sent down, but that one solitary instance proved nothing. Did it ever enter seriously into the head of any man, in the least degree acquainted with the laws of this, or of that country, that the warrant of the Secretary of State was necessary to found the jurisdiction of the Lord Advocate to bring such a person to trial, or that the Court was not competent to try criminal causes, when its very institution destined it to that object? The thing was really so much beyond the limits of a rational dispute, that it was not worth a serious argument; indeed he could hardly trust to his own comprehension, and be sure he heard the Noble Earl aright, when he thought he heard him maintain the affirmative of that proposition; he could not have so stated it, if he had not lost sight of all reflection on the authority of the law of Scotland, and had been running a race for the purpose of finding something in the shape of objections to the trial in question.

Upon the case of Dr. Baillie his Lordship observed, that by that case it was evident that the judges, who pronounced judgment upon him, thought that transportation was included in the word Banishment; and he believed it would not at this day be questioned whether those judges understood the law of Scotland, and which had not been altered to the present hour. Should he however agree, for the sake of the argument, that the proceedings on Baillie's trial were unjust, and even illegal, and decided with a party spirit, how would the case then stand? It would then be ten times stronger for the argument in favour of the side of the question he meant to support. The sentence on this person was not put in force, for he had a Parliamentary pardon. But on what ground? The counsel for Mr. Baillie were acute men, and not likely to lose sight of any point that was in favour of their client. Did they insist that his banishment did not simply imply transportation? Nothing like it. They alledged, that, in saying what he had said, he was bound to do so; and that if he had concealed what he had to say, he would have been guilty of misprision of treason, and it was under that idea the conviction was set aside. Not that if the conviction was right upon the fact, the judges were not right upon the law arising out of that fact, in pronouncing on him a sentence of banishment; and to carry that banishment into effect, they ordered him to be transported. In regard

gard to the case of Baillie his Lordship said, the whole **history** of it would be found in Burnet's Memoirs.

The difference between the law of England and the law of Scotland, with regard to crimes punishable as felonies, and those offences which in England are called misdemeanours, his Lordship said, was clear and distinct. Indeed, the cases which established the distinctions in these points between the laws of the two countries were so numerous, that he wondered that any person, pretending to know any thing of the law of either, should be ignorant of that distinction. He would go further; for he was confident that the Gentlemen whose trials this motion alluded to, might have been convicted on the Act of Parliament of the year 1703, if they had been indicted on it. He therefore found himself under the necessity of differing from the Noble Earl, in almost all he said, on the present subject, and of agreeing with the two Noble Earls who had objected to the motion.

There was one point, however, in which he differed from a Noble Earl (Kinnoul), who had expressed a wish this subject had never been brought under so much discussion. On the contrary, he was happy it had been brought under discussion in every place; he meant in every respectable place in which it had been brought under discussion; for discussion and investigation had contributed to dispel that calumny which flew in the dark, and tended to purify the characters of the judges who had acted upon these trials. They would have consolation from all these discussions, and particular consolation from the result of the labours of the Noble Earl, who had brought this subject before their Lordships; with great diligence, ingenuity, and abilities, he admitted; but in a manner which proved the weakness of the cause in which he was engaged. He had not so much specified his objections to particular points, as he had insisted on the general topics against the whole of the code of the Scotch law. In doing this, he acted wisely; for where the citadel was strong, it was prudent to attack it by distant approaches; such a citadel was not to be taken by storm; it was sound policy therefore in the Noble Earl to take a large compass, because there was no other way to make an impression. For this purpose the Noble Earl had stated to their Lordships, the superior wisdom of the law, and the liberality of its expounders, in the 12th and 13th centuries. Perhaps their Lordships might not be able to agree with the Noble Earl, or join with him in his panegyrics on the superiority of those days over the present; the Noble Earl seemed to think that good order, and the happiness of society,

were

were then at their height; and that the subsequent alterations of the law, and the labours of lawyers to explain the law, had tended to confine instead of expanding the principles of liberty. His object appeared to be a general reform; and, like all general reformers, his ideas seemed better fitted for a general destruction of the whole system, than for any specific amendment of a particular part. He was not a little surprised however that, in his copious enumeration of general defects, the Noble Earl had not the goodness to communicate to their Lordships what remedy he intended to apply. He had merely hinted that the laws of Scotland should be assimilated to the laws of England. He believed there was no real necessity for that assimilation; and that if the Noble Earl was to proceed to it, he would soon find himself under the necessity of altering the laws of England also. He doubted whether that could be done with advantage to either country; at least, whenever it was done, it should be done with a very wise, if not a very sparing hand: And the inclination of his mind was that both laws should, for the present, remain as they are.

Much censure had been heaped on the late proceedings of the Court of Justiciary in Scotland, and the judges must take their share of blame upon the subject. He would not, he said, enter into a laboured panegyric on those judges; no part of their conduct called for it. Enough was it for him to say that they were men of known integrity, distinguished talents, and thorough knowledge of their profession. In the late instance they had clearly proceeded on the precept of the Apostle, "be just, and fear not." They had acted, he believed, upon the principles of truth and justice, as they should answer to their God and their country; and they had behaved with a manly firmness. When the trial had commenced, they found their Court surrounded with a mob and a clamour; instead of being influenced by it, they pursued their object calmly but steadily, and discharged their duty faithfully. The event and consequence proved that they did right. They saw riot and tumult subside into regularity and good order. They saw the magistracy ready to support them, and subordination and decorum enforced. He had conversed, his Lordship said, with several persons of intelligence who had come up from Edinburgh, men well acquainted with the Scotch law, and undoubted character, on the subject. Some of them their Lordships had seen at their Bar, who all concurred that the trial had been correct in point of form, complete in the amount of evidence, and satisfactory to the jury, and that their verdict was legal and well-grounded. They agreed also that the sen-

tence was strictly consonant to the practice of the Court of Justiciary, and conformable to law. Nor had he heard of any professional man who objected to it in the smallest degree, one or two professional men excepted. In short, so general was the approbation of the conduct of the Court, that every man of character and property in Scotland joined in sentiment upon it; every man of rank, every man of fortune, every aristocrat merchant, every aristocrat tradesman, every worthy individual, approved highly of the conduct of the judges. In fact, no murmur or doubt whatever was entertained respecting it but by the *Sans Culottes* of Edinburgh.

The Earl of Lauderdale said, it would ill become him, after having experienced so large a share of their Lordships' indulgence, if he were to trespass a second time long upon their patience, but he necessarily must wish, as shortly as possible, to make some reply. The question and his argument had been treated in an extraordinary way; but neither declamation nor invective should deter him from bringing subjects worth of their attention under the consideration of their Lordships, what seemed to him so materially to deserve it, and what he could produce solid arguments to support. He did not agree with his Noble Friend near him (*Earl Mansfield*) as the ground on which he had put the question, nor could he accede to his Noble Friend's definition of the term Banishment. With regard to the Noble and Learned Lord who had set out with so solemnly declaring, that such a question was not a fit subject for declamation, he never had heard so declamatory a speech as had fallen from the Noble and Learned Lord. He declared himself sincerely in earnest in his wish that the judges of the Court of Justiciary might not suffer in the public opinion in consequence of the sentences passed on Mr. Muir and Mr. Palmer; but he had serious reason to apprehend, from the agitation those sentences had excited in the public mind, that the authority due to the Court, and the respect in which that authority ought to be held, would not be increased. If the Noble Lord had paid a little more attention to the subject, he would have found many instances of crimes formerly included under the general head of treason, subject by law to appropriate punishments, after being removed from under that general head, by the introduction of the new treason laws into Scotland. The Noble and Learned Lord had declared himself perfectly astonished at his argument respecting the necessity of a warrant from the King or Secretary of State, to render the Court of Justiciary competent. He would however defy any lawyer living to shew, that such trial had taken place previous to the Union of the

HOUSE OF COMMONS.

TUESDAY, April 15.

The Bill for the better taking of Special Bail in Actions and Suits in the Court of Common Pleas in the County Palatine of Lancaster, was read a third time, and passed.

The Petitions on the Rights of Election for the City of Carlisle, for the Borough of Seaford, and for the City and Liberty of Westminster, were deferred to the 7th, 8th, and 9th of July next, on the motion of the *Chancellor of the Exchequer*;

Who then gave notice, that he should move for leave to bring in a Bill to remedy some evils which had occasioned the delay of public business, on account of the difficulty of having a full attendance, at an advanced period of the session, on these questions of Election Committees.

The Lottery Bill was read a third time, and passed.

The Committee on the Bill for the better management of the Crown Lands was deferred to Thursday the 17th.

The Bill for the more effectually preserving Money, and other Effects, in the Hands of his Majesty's Subjects belonging to Persons resident in France, for the Benefit of the individual Owners thereof, passed the Committee, and the Report was ordered to be received.

As did also the Bill for exempting from the Payment of Duty on Sale, Ships of War taken as Prizes, &c.

Mr. Long moved for leave to bring in a Bill for saving to his Majesty the Duty of new Subsidy on Tobacco imported into Scotland.—Granted.—The Bill was brought in immediately, read a first time, and ordered to be read a second time.

The Bill for the further Prevention of Delay in the Elections of Members to serve in Parliament, passed the Committee; and the report was ordered to be received.

A message from the Lords informed the House, their Lordships had passed a Bill for the Encouragement of Marines, &c. to which they desired the concurrence of that House.

Mr. Ryder said, he should move that the Bill be read a first time immediately, that it might be read a second time the next day, and be committed for Thursday, if the House should think proper; then move to have it printed for the perusal of the Members of the House. He intended to move for the introduction of certain clauses which could not be inserted by the Lords, because they related to money to be raised in certain cases by the Bill; these clauses were for the inflicting penalties on those who should disobey some of the provisions of the Bill.

Bill. And after the holidays he should move to have the whole recommitted.

The Bill was read a first time, and ordered to be read a second time.

The Bill for relieving certain Persons professing the Catholic Religion, and who are desirous of being admitted, and to practise as Attornies and Solicitors, was read a third time, and passed.

The report of the Slate Duty Bill was read and agreed to ; and the Bill was ordered to be engrossed.

SABBATH-DAY BILL.

Mr. Mainwaring moved, that the Order of the Day, for referring to a Committee of the whole House the Bill for enforcing a due observance of the Sabbath, might be read : It having been read, and motion being made, " That the Speaker do " leave the Chair,"

Mr. Joliffe said, that there were some parts of the Bill to which he had the strongest objections, and which he imagined the House would hardly agree to enact into a law. As those objectionable parts were so obvious that no one could fail to see them, he hoped they would be given up.

Mr. Courtendy said, he objected to the whole of the Bill ;—to its principle, as puritanical ; to some parts of it, because they were unnecessary ; and to others, as being in their tendency positively mischievous. He pronounced it to be a Bill to encourage informers, and to hold up rewards to profligate low-minded men, and invite them to injure and disturb the well-being of their fellow-citizens. Of all the characters that the universal consent of mankind had gibbeted up to everlasting infamy, that of the informer was the most conspicuously infamous ; and by the present Bill, if it should pass into a law, the great Senate of a great nation was holding out a system of encouragement to the needy and unprincipled man to become that infamous character, and to supply means for his vices by the spoliation of the unsuspecting and unguarded. He deemed it a puritanical Bill, because it professed a great care for religion, but was repugnant to the essential principles of Christianity, and which leaned its whole weight on the Poor, depriving them of the only comfortable meal they could eat in the week ; while it left the rich to have their routs, to play at cards, and enjoy every amusement and dissipation, however vicious, in breach of the Sabbath, uncontrouled and unpunished ; and he would therefore divide the House on the question.

Sir

Sir James Sanderson denied the construction put on the Bill by *Mr. Courtenay*, and said, that it gave as great a latitude as was necessary to accommodate the poor, by leaving the bakers at liberty to bake from nine to one o'clock, and to deliver the article baked till two.

Mr. Wilberforce said, that he thought it hardly necessary for him to remind the House, that by the established constitution, religion made a part of the law of the land.—He did not therefore expect that such observations as had just fallen from the Hon. Member (*Mr. Courtenay*) would have been thrown out in that House.—Regarding religion even as a merely political institution, he would say, that that man was no friend to society, no friend to the policy of the country, who would shake that religion, by taking away its great *substratum*, the periodical weekly memorial of its existence, and confounding Sunday with the other days of the week. By the Hon. Gentleman's argument, it should seem that he would have buying and selling carried on on the Sabbath-day—a circumstance which, if it took place, could not fail to eradicate all respect for religion from the breasts of the people, and bring on all those consequent mischiefs, for a description of which he referred the House to the calamities of a neighbouring country.

Mr. Mainwaring said, that he was convinced the Hon. Gentleman (*Mr. Courtenay*) had not attentively considered the clause alluded to, or he could not have given it the interpretation he had done; and requested therefore that he would allow the Bill to go into a Committee.

Mr. Courtenay agreeing to this requisition, the House went into the Committee.

When that part of the clause was read which gives magistrates a discretionary power to pay informers their expences over and above their share of the penalty, it was warmly opposed by *Mr. Courtenay*, *Mr. Hussey*, and *Mr. Joliffe*, and as warmly supported by *Mr. Mainwaring*, *Mr. East*, and *Sir William Scott*. At length, *Sir James Sanderson* giving it as his opinion that the provisions of the Bill might possibly be carried into effect without it, the clause was agreed to be left out.

Mr. Joliffe moved, that the operation of the Bill should be confined to a distance of five miles from London; when

It being suggested that such an alteration required the most grave and deliberate consideration, it was agreed that *Mr. Joliffe* should reserve his amendment to the bringing up of the report on the third reading, and that in the mean time the Bill should go through the Committee; which was accordingly done, and reported to the House.

Adjourned.

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HOUSE

HOUSE OF LORDS.

WEDNESDAY, April 16.

The House adjourned at one o'clock to Westminster-Hall, to sit on the trial of Warren Hastings, Esq. from whence they returned at half past six o'clock.

Lord Parker, Mr. John Pitt, and others, brought up several Bills from the Commons.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, April 16.

A message from the Lords informed the House, that their Lordships had agreed to the Bill for the Encouragement and Discipline of such Persons as shall voluntarily enroll themselves for the internal Defence of the Kingdom in case of an Emergency, with some amendments, to which they desired the concurrence of that House; and that they would proceed further on the trial of Mr. Hastings on Wednesday the 23d of April.

The report of the Bill for providing for the Families of such Persons as may be drawn by Lot to serve in the Militia was read, agreed to, and ordered to be read a third time when engrossed.

The report of the Committee of the whole House, on the Bill for the better Observance of the Lord's Day, was deferred.

The Bill for the Encouragement of Marines, &c. was read a second time, and ordered to be committed.

The Chancellor of the Exchequer moved, "That the Amendments made by the Lords in the Bill for the Encouragement and Discipline of such Persons as shall voluntarily enroll themselves for the internal Defence of the Kingdom, be now taken into consideration."

The Speaker observed, that these amendments were such as the House could not acquiesce in, as they related to the part of the Bill which provided for the pay of the corps.

The Chancellor of the Exchequer said, he was convinced of the propriety of the observation which came from the Chair. He then stated the nature of the amendments, in which he agreed with the Lords; and therefore, on the point of form, it was necessary that these amendments should be dissented from by that House, for the purpose of bringing in another Bill containing the provisions made in the amendments. He therefore moved, "That the consideration of these Amendments
" be

"be postponed to that day two months." Ordered. He then moved for leave to bring in another Bill. Granted. He brought it in immediately. It was read a first time, and ordered to be read a second time the next day.

The further consideration of the French Property Bill was postponed till the 28th of April, on the motion of the Chancellor of the Exchequer.

The Bill for regulating the Shipping and Carrying of Slaves from the Coast of Africa, in British Ships, was read a first time, and ordered to be read a second time the next day.

The Slate Duty Bill was read a second time, and passed.

The Chancellor of the Exchequer moved for leave to bring in a Bill, to explain and amend the 28th of his present Majesty, for the Regulation of controverted Elections, as far as related to the presenting petitions. Granted. The Bill was brought in immediately, read a first time, and ordered to be read a second time the next day.

Mr. Popham brought up a Bill to prevent the removal of Causes of small Value, from the inferior Courts of the County Palatine of Lancaster, to the Court of Common Pleas there.—Read a first time, and ordered to be read a second time the next day.

On reading the report of the Bill for the further Prevention of Delays in the Election of Members to serve in Parliament,

Mr. Fox said, he was a friend to the Bill as far as it went: It provided for the mode of taking the oaths of electors; that was right and proper; but the Bill, in his opinion, did not go far enough: He wished that the whole of what was called the Long Oath should be omitted at all future elections, and that Roman Catholics should be admitted to the exercise of elective franchises.—Independent of the general relaxation which has been adopted towards that deserving body of citizens, there were several reasons could be adduced. In the first place, the oath was in general only administered for the purpose of de-fay. It was also well known to be frequently taken by Roman Catholics; who were not over-scrupulous upon the occasion. And, lastly, it was, to his own knowledge, refused by Protestant Dissenters, although only levelled at Roman Catholics, because they thought it indecent to blend religious opinions with election matters. For these reasons he advised the total omission of the clause, and moved that the Bill should be recommitted for the purpose of striking it out of the Bill. The motion passed, and the Bill was ordered to be re-committed on Monday the 28th of April.

Mr. Sheridan gave notice, that, on the first open day after the holidays, he should move for leave to bring in a Bill to put

the Roman Catholics and Dissenters of this country at least on a footing as to tests with the foreigners about to be employed in the service of this country in the present war; and he really wished, he said, that ministers would take this into their most serious consideration, and hoped there would not be a dissenting voice to that proposition.—Tuesday, the 29th of April, was then named for that purpose.

The Bill for saving to his Majesty the new Subsidy on Tobacco in Scotland, was read a second time, and ordered to be committed.

The Committee of the whole House on the Bill to enable the Commissioners of Stamps to allow the stamping single demy paper, was, after a short discussion between *Mr. Rose* and *Mr. Sheridan*, deferred.

EMIGRANT CORPS.

On reading the Order of the Day, for taking into consideration the report of the Bill to enable the subjects of his late Christian Majesty to enlist in the service of this country, on the continent, &c.

The Attorney General moved an amendment: "Provided always, that every person who shall enlist as a soldier, shall be attested in such manner as his Majesty shall direct in his Articles of War; and shall take such oath of his fidelity during his continuance in his Majesty's service."

This produced a conversation: *Mr. Sheridan*, *Mr. Fox*, *Mr. Taylor*, and *Mr. Grey* contending, that the form of the oath should be settled by Parliament: *The Attorney General*, *Mr. Rider*, *Mr. Dundas*, *Sir William Young*, *Lord Mulgrave*, and the *Chancellor of the Exchequer*, contending that it ought to be left to his Majesty to be settled under the Articles of War.

The question being put on the words, as moved by the Attorney General,

Mr. Fox said, he had endeavoured for some time in vain to understand the real meaning of a great deal of what he had heard from Gentlemen on the other side of the House on this subject; but he thought he had at last been able to discover the drift of their intentions. The tendency of the amendment of the Learned Gentleman was, in reality, to exempt the officers to be employed in the service of the emigrant corps from the Test Act. He had no objection whatever to that exemption; he wished that the operation of the Test Act should be done away altogether. But he thought it would have been but fair and candid to state the inconvenience of applying the Test Act to these persons: That, however, would have put ministers under a dilemma; for it might appear a little absurd to give up the Test Act with respect to this corps in general, and

and yet to continue its application to all the Catholics and Dissenters in this country.

The Chancellor of the Exchequer said, the general policy of the Test Act applied to persons holding offices of trust within this kingdom. This was a corps to be employed out of the kingdom; a distinction which the Right Hon. Gentleman had confounded.

The Attorney General's amendment was adopted.

Mr. Sheridan then proposed an amendment, that, instead of the Bill remaining in force during the present war, it should continue only for one year. He observed that his Majesty had no power to continue in his service his own subjects longer than one year, and that this was always under the provision of the Mutiny Bill. He saw no reason whatever, on the contrary, he saw much danger, that the power of the Crown should be more extensive with regard to the employment of foreigners in the British service. The object of the war was now defined by ministers to be that of the destruction of the present form of government of France, and the establishment of order, morality, and religion in that country. It might, perhaps, be discovered that we should not be able to effect an object of such magnitude without employing 500,000 men, and by this Bill the number was indefinite. He would therefore ask, Whether any vote of credit that House ever gave to the Crown was so extensive as this? He would ask Gentlemen what answer they had to give to their constituents, if they should demand to know how the power of the purse of this country stood? Were they not bound to confess that the whole of it was entirely given up to the discretion of the executive power? And although the Bill was silent as to the half-pay of all who should act under the Bill, yet it might turn out in the event, that, although they had no claim on this country according to the letter of the Act, yet, like the American Loyalists, they might have an irresistible claim on our magnanimity, generosity, and even justice. Besides, after we had succeeded (which by the way might be many years hence, if ever it happened) in the glorious cause of establishing a government in France, the contest might be changed into a squabble for indemnification, and an attempt to partition France (as had already been done in Poland), in which persons acting under this Bill could not possibly assist. If this were so, what was the situation of those officers, who might be thus trepanned into the horrid necessity of fighting against their country, or else be exposed to the penalties of mutiny and desertion? With respect to this country likewise, the measure was equally exceptionable, as it was virtually surrendering the purse-strings of the nation; for what controul

control could we exercise on the subject, when we gave beforehand an unlimited exercise of discretion to the Crown, both in the amount of the troops to be raised, that is to say, the expence incurred, and the time for which that expence should continue? He therefore moved to leave out certain words in the clause for the purpose of inserting others, which should limit the term of the duration of the Bill, and keep in the hands of that House, what they always ought to have for the benefit of the people—the power of the public purse.

Sir William Young contended that men would not enlist under the Bill if it were limited to one year.

Mr. M. Robinson could not agree to give such a wound to the constitution, as he thought the Bill must give without the amendment now proposed.

Mr. Baker wondered that ministers, who were responsible for the whole measure, should offer no defence for so extraordinary a clause, especially after such convincing arguments had been urged for the amendment. He was a friend to the Bill, as far as it went to enabling his Majesty to employ Frenchmen on the continent; but he could not support it at the expence of the constitution.

The Earl of Inchiquin complained, that it was the practice of Opposition, who had pledged themselves to support the war, to oppose, by cavils and quibbles, every measure for carrying it on. Not that they had any solid argument, but hints were every day thrown out by one Gentleman or other, which did mischief out of doors, where such topics ought not to be discussed, and which ought not to be suffered.

Mr. Grey said, he had expected that the Noble Lord, who charged Opposition with not having any arguments, would have produced some of his own. Their speeches the Noble Lord thought should be restrained, because they produced ill effects: The time, however, was not yet come, when a proposition to restrain the freedom of debate was likely to be much relished. In what instance had they opposed the necessary and constitutional supplies for carrying on the war? An unconstitutional measure he should always oppose, even when intended to promote a defensible end. Besides, the amendment, while it rendered the Bill more conformable to constitutional principles, did not render it less effectual for its intended purpose.

The Earl of Inchiquin said, he had not referred to freedom of speech and debate in Parliament, but had alluded only to the seditious meetings held up and down the country.

Mr. Canning defended the duration of the Bill, and said the Mutiny Bill was not annual for troops serving in India, nor for the volunteer corps to be embodied for the internal de-

fence of the country; he mentioned the instance of the volunteer corps raised in 1782, who were to serve during the continuance of the war; and contended, that it would be absurd to propose half-pay at present for the Frenchmen who shall enlist under the Bill.

Mr. Jekyll said, a Bill for raising an anomalous army was very properly supported by anomalous arguments. The explanation of a Noble Lord was as irrelevant to his speech as his speech to the question before the House. *Mr. Jekyll* added some arguments in favour of *Mr. Sheridan's* amendment.

Sir W. Milner said he approved of the amendment, but not from any disposition to cavil. When he differed from ministers on any subject relating to the war, he differed from those from whom he had learned his political opinions, with whom he had lived, and with whom it gave him pain to differ. When the Bill was first proposed, he had been under some difficulty in forming his opinion. He thought it reasonable that the emigrants should be employed in fighting what was more their own cause than ours; but then they were men of too opposite descriptions. Many of them had fled from their own country, because they could bear nothing but the old system of French government, a system which no man in this country could wish to support.

The Solicitor General said, that the reason of making the Mutiny Bill annual, appeared to be, because it was thought unfit to trust the Articles of War made, or that might be made, by his Majesty, for the government of troops within the kingdom; longer than a year; but this did not apply to troops that were to be employed abroad; nor, in fact, had this Bill any analogy to the Mutiny Bill.

Mr. Sheridan said, the Mutiny Bill for the King's troops in India was annual. It was only for the Company's troops that it was permanent. The volunteer corps, proposed to be raised for the internal defence of the country, were as much under the annual Mutiny Bill as the regular troops; and if it should be suffered to expire, they might be a very respectable body of gentlemen in red coats, but they would be no longer soldiers.

The House divided on the amendment:

<i>Ayes</i>	—	29
<i>Noes</i>	—	128

Majority 97

Mr. Sheridan proposed a clause to limit the number of persons enlisted under the Act, which shall, on any pretence, be within the kingdom at any one time, to 5000; which was adopted.

The report being gone through, the Bill was ordered to be read a third time next day, if engrossed.

Mr.

Mr. Fox said, he had opposed the Bill in every stage: It did not appear to be rendered less objectionable than when first introduced, and although, after Gentlemen had been fatigued in the Hall, and the night had been considerably exhausted, he would not further intrude on the House with such observations as he had still to offer; he should again oppose it on the third reading, and take the sense of the House on the principle of the Bill.

The several resolutions were agreed to, and the Bill was ordered to be read a third time the next day.

After disposing of the other orders of the day, the House adjourned at eleven o'clock.

HOUSE OF LORDS.

THURSDAY, April 17.

The Volunteer Corps Bill was brought up from the Commons, read a first, second, and third time, and passed.

COMMISSION.

The royal assent was given, by commission, to the Volunteer Corps, the Exchequer Loan, and twenty other public Bills; the Longborough Inclosure, and twenty-one other private Bills.

The commissioners were, the *Lord Chancellor*, *Archbishop of Canterbury*, and *Lord Hawkebury*.

In a Committee, went through the Lottery, the Norfolk Island Judicature, and the East India Loan Bill.

SLAVE TRADE.

The Bishop of Rochester moved, "That the House proceed further on the African Slave Trade, on Thursday, the 1st of May."

Ordered.

INSOLVENT BILL.

The Lord Chancellor brought in a Bill for the Relief of Persons confined for Debt in the different Prisons. The principle of this Bill, his Lordship said, was founded on that which had passed in the year 1781. That Bill extended only to debts of 500l. but this he meant to include those of 1000l. which he was induced to propose to their Lordships, in consequence of the unavoidable hardships and distresses many persons had suddenly suffered in consequence of the late failures; and one of his reasons for not extending it further was, that, out of near 600 persons confined in the King's Bench, there were only

only forty-four whose debts were more than 600*l.* and the debts of a great many were under that amount. To prevent also what had been found a common practice, namely, that of flying into prison, and crowding the jails merely to take advantage of these Acts, it was specially provided, that the Act should not extend to any debtors under confinement, but such as had been confined previous to the first of January 1794.

The Bill was read a first time, and ordered to be printed.

Adjourned to Monday the 28th instant.

HOUSE OF COMMONS.

THURSDAY, *April 17.*

DEBTORS.

Mr. Grey presented a petition from the debtors confined in Morpeth Gaol, praying for relief. He availed himself of this opportunity of saying a few words relative to the proposal he had made in the last sessions on the subject of persons confined for debt. After the disappointment which that proposition encountered, he confessed that he entertained small hopes of being successful in any subsequent one he should make. Fortunately, however, the subject had been taken up in the other House, and the Judges had been ordered to present a report upon it. The report, he trusted, would soon appear, and he earnestly hoped the relief proposed to be extended to the unfortunate persons would not be merely temporary, but radical, effectual, and permanent.

The Petition was then brought up, read, and ordered to lie on the table.

EMIGRANT CORPS BILL.

The Bill for enabling his Majesty to take into British pay, and embody Frenchmen, for the purpose of serving on the Continent during the present war, was read a third time. On the question "That this Bill do pass,"

Mr. Harrison objected, and said, he could not suffer the Bill to pass, without declaring his disapprobation of it, both in its principles, and the provisions it contained, which tended to vest in the Crown an undefined and unlimited power, with respect to the forces to be employed, and the expences in which it might involve the country. The powers were such as might be used for the most dangerous purposes; and the expence might be so great, that it was not becoming the House, nor consistent with its duty as the guardian of the public purse, to give its assent, without knowing first its limit and extent;

to both of which the House was a stranger; the number of men to be employed being unlimited, the length of time for which they were to be employed was also unknown. It was not wise or prudent, Mr. Harrison said, at a moment that we feared an invasion from France, to employ an indefinite number of French emigrants in our pay, as it was not impossible that those men, to make their peace with their countrymen, might be induced to betray us; and though there was no reason for doubting the honour of those men, yet it was unwise to hold out too great a temptation to them. Gentlemen seemed to think it necessary to represent every thing which happened in France in the strongest colours, in order to alarm the country with an apprehension that such principles and opinions as those persons acted upon would be introduced into this country; for his part, he declared he was under no such apprehensions, as he considered the country differing very widely in situation and circumstances. Much misrepresentation of every kind had been used with respect to that country, that the fortunes of the rich had been confiscated upon a principle of equalization; that was an assertion totally unfounded; they had been confiscated in consequence of the opposition which those persons made to their government. Men seemed to be too much dazzled and deceived by rhapsodies, which, like meteors, often involved them in error and imprudence. Mr. Harrison said, he did not oppose the measure either from a disposition to cavil, or for the purpose of embarrassing the proceedings of Government, but from a disapprobation of the war itself, and an objection to its principle, which he reprobated as an independent man, and in that character he said he should ever act. The war, in his opinion, if carried on much longer, would drain the resources of the country, would consume its blood and treasure, too much of both which had been already wasted; and this Bill, as tending to prolong the war, and leading to an indefinite expence, should have his negative.

Mr. Fox said, he was really sorry, at that stage of the business, to trouble the House, as their minds must be to a considerable degree made up upon the subject; but he absolutely felt himself called upon to say at least a few words, because the Bill appeared to him in some points of view, to be of the most considerable importance, and, if carried into effect upon those principles upon which it had been maintained, likely to produce consequences of the most alarming tendency, and calamities the most dreadful that ever war in modern times had produced, calamities such as wars had never yet produced in Europe. In the earlier stages of the Bill, *Mr. Fox* said, he was not very

anxious to deliver his sentiments upon it, because he wished to be silent as to his objections, until he had heard the reasons which should be urged in favour of the Bill; and although the House was then in the last stage of it, the same distress and difficulty remained as to the principle upon which it had been brought forward, as existed at the commencement of this proceeding. It was true, several objections had been made to the Bill, some amendments were proposed, with different degrees of success, and some answers had been given to the objections; but these applied chiefly to the provisions of the Bill; as to the principle of the Bill itself, very little indeed had been urged in its support, and nothing that had in the smallest degree changed the first opinion he entertained on the subject; on the contrary, many of those reasons which had been urged in favour of the Bill, and which had been approved by the majority of the House, had excited in his mind very great alarm at the measure altogether. Almost all that had been said by one set of its defenders amounted, Mr. Fox said, to this, that those men who were to be enlisted under it, would feel that, from success, they might hope to be restored to their honours, their fortunes, and their country; from defeat, they must expect to meet either poverty or death. Standing in this alternative, where success promised so much, and defeat placed before their eyes the most dreadful calamities, they must, it was supposed, engage with ardour in the cause. Another set of the defenders of the Bill, and particularly one Right Honourable Gentleman (Mr. Burke), said, "That the Bill was an auspicious beginning of a new system; that the honours, rights, and property of the emigrants must be restored to them before our own could be said to be secure; that Great Britain, with regard to its property, and its rights, should feel an identity of interest with the emigrants of France; and that, except those properties, and those rights, were restored to them, our own would be comparatively of little value." This, Mr. Fox said, must be admitted to be a position perfectly novel, and would, in his opinion, in its nature and tendency, be dangerous to this country and to Europe, if adopted by Government, or sanctioned by Parliament.

He wished for a few moments to call the attention of the House to the progress of the business. Though inimical to the war in its commencement, and wishing sincerely, as he thought it for the interest of the country, that it should be avoided if possible, yet once involved, he held it right that it should be supported with vigour, and prosecuted with energy and effect. To this end he promised his support, thinking that it was to be supported in the manner by which all former

wars have been supported, by fleets, by armies, and by money; and in the view in which it was stated to the House at its commencement, that was the species of support that it was understood Government looked for: For it was at that time distinctly stated, that the object of the war was to repel a distinct aggression of France against Great Britain and her ally the United Provinces, which aggression was the insult offered to this country by certain decrees of the National Convention, and by their attempt to deprive Holland of the exclusive navigation of the Scheldt. That those were good grounds of war could not be denied, unless satisfaction might have been obtained by negotiation. They were certainly proper subjects to discuss by negotiation; and it was his opinion, if those means had been tried, the present war might have been avoided: But such was not the opinion of the Executive Government; it was not the opinion of the House of Commons; and we therefore had recourse to arms to procure satisfaction for the insult, security from further aggressions, and indemnity for our losses. Mr. Fox said he sincerely lamented that such was the opinion of the Executive Government, and of the House of Commons; because he believed it to be the cause of all the evils we had already suffered, and of the many calamities in which we, and the rest of Europe, were likely to be involved. He wished that we had had recourse first to negotiation; and if that had failed, to procure us all we had a just right to demand, no doubt could have been entertained of the propriety of our entering into a war, and endeavouring to procure from France, by the success of our arms, that justice she denied and refused to the wisdom of our councils.

At the commencement of the war, the government of France made no part of the consideration of Parliament as connected with the question of peace, except as to how far such a government was capable of affording security against future insult and aggression. When that security was discussed in that House, and those, who were most disposed to decry every thing that belonged to the government of France, were driven to an explanation of what they meant, and what they really intended to insist on, the opinion of the House he understood to have been this, that it was a matter of much difficulty to know precisely what kind of security could be obtained from the present government of France; but it was then admitted that to obtain some security on that point was not altogether impossible; and that if security could be had, there existed no objection to the form of government, nor should that be considered as any obstacle to concluding a peace. There was no necessity for him to argue that there existed a possibi-

possibility of obtaining security from such a government, because, from the statement of the condition, obviously the possibility was admitted. If those Gentlemen, who argued this conditionally, did not feel the possibility of obtaining security, they certainly dealt in a very unfair and uncandid manner with the House and with the country; for if they were of opinion that we could not obtain security from the present government, ought they not, in an open, bold, and manly way, to have then declared that it would be impossible to obtain peace while that government had existence; and that, to obtain so desirable an object, that government must of necessity be destroyed? That, however, was not the state of the case last year; nothing of that sort had been insisted upon; no such opinion was ventured to be advanced; and he was very much inclined to believe, that if the object for which we were about to engage in the war had been stated by the Executive Government to have been the subversion of the government of France, that it would not, either in that House, or by the people of the country, have been supported: He complained, therefore, on the part of the people of England, and on the part of the House of Commons, that we had been led into a war upon one pretence, and that the operations for carrying it on were directed to purposes and objects totally different from those held out to that House, and to the country, by his Majesty's ministers. He would ask, if this measure was necessary for carrying on the war on the principles avowed last year, although it was not then either a fit or necessary one? It would be a trifling answer to say, "It might not have been necessary then, but we know it to be so at present, and it is never too late to mend." The manner in which they proposed it, should have been fair, open, and sincere; they should have told the House the truth; they should have confessed their own *laches* last year, and shewn they were willing and desirous, by new diligence, to make the best atonement in their power to their country for their former neglect and inattention: They should have said with one voice, "We now look upon the war as such, that this measure should have been adopted originally, and that it is a necessary one, though we entertained a different opinion at first." They should declare to the House what was in reality their system and their object; in what particulars it had been altered from their original plan; and then, whether such alteration be for the better, or the worse, have left Parliament to judge. Certainly, Mr. Fox said, he thought the war on our part to be *both just and necessary*, if it was impossible to obtain, in the first instance, satisfaction and security by negotiation; but he could never agree that we should

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continue the war for the purpose of imposing a form of government on France. He certainly thought, that even though the government of France be an unjust or wicked government, it was in direct contradiction of the first principles of an independent state, and of the sovereignty of nations, to interfere with its formation. If a people, in the formation of their government, have been ill-advised, if they have fallen into error, if they have acted iniquitously and unjustly towards each other, God is their only judge; it is not the province of other nations to chastise their folly, or punish their wickedness, by choosing who shall rule over and govern them, or in what manner and form they shall be governed.

These points, continued Mr. Fox, seemed to have been universally understood and assented to last year; they were points agreed on by all the authors he had ever had an opportunity to consult, who had treated of the law of nations, or the nature of government. Now it seemed we had entirely changed our system, and were to employ the French emigrants in support of our new one. If the purport of this Bill had been simply to enable his Majesty to enlist foreigners, he should have considered it in a much more favourable light; but to his understanding and comprehension it appeared to be this, "that we pledge the faith of this country to the emigrants for the full restoration of all their rights, titles, privileges, and properties, which they have lost by the revolution; and that we will overturn the present existing government of France by force of arms." With respect to those unfortunate men, the emigrants, there was no man had more compassion for them, there was no man who felt more sincerely for their misfortunes and their situation, than he did. It was true he differed in sentiments and opinions with most of them; he disapproved of their conduct in many instances; but if difference of opinion was a cause of withholding sympathy and compassion, this would indeed be a dismal world to inhabit. Difference of opinion was, in his mind, one great cause of the improvement of mankind, because it led to inquiry and discussion. It was his opinion that in all points, civil and religious, toleration of opinion was wisdom; upon that depended all the peace, he had almost said all the virtue, and consequently all the happiness, of the world. This humane doctrine was the great leading feature of the mild and beneficent system of Christianity, and what has tended to render it such an inestimable blessing to mankind. He should, therefore, by no means say any thing harsh of the emigrants, though differing from them in sentiments; on the contrary, it appeared, from their conduct, that they were sincere in their professions. But because he
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sympathized with and compassionated the sufferings and misfortunes of those men, it was not necessary that he must be willing to pledge the faith of the country for the restoration of all they had lost by the revolution, and for the total subversion and destruction of the present ruling powers in France; that was a conduct that, if adopted, would in his opinion, expose this country to great and tremendous evils.

The war, in itself, considering the present condition of France, Mr. Fox professed himself to consider as formidable to this country and to its constitution. Whatever might be the objects to be attained by it in the minds of other men he could not tell; two only seemed most desirable to be entertained: The first, that its duration should be as short as possible; the second, that, in its prosecution, it should be as little bloody and savage as the nature of the case would admit. The present Bill he principally objected to as militating against those two wishes of his heart; for it would certainly tend both to prolong the war, and render it more savage, bloody, and inhuman, than any war that had ever disgraced the annals of modern nations.

If the object of the war, as had been originally stated, was to recover the exclusive navigation of the Scheldt for the United States, or to repel any insult offered us by the French, or to obtain satisfaction for present, and security against future aggression, he confessed that he should be sanguine in his hopes with respect to its termination: He might then think that those who considered the last as a fortunate campaign, had not viewed the matter so unfairly; because, if such were the objects of the war, the consideration of the places we have taken might induce the French to think of peace. If we took Pondicherry, that might bring us a step nearer peace; because prudence might induce them to the measure, in order to save the remainder of their Indian possessions. The capture of St. Domingo, or Martinico, would be another step nearer the attainment of that desirable object; because a regard for the preservation of their other dominions in the West might incline them to conclude a peace. In that point of view it was easy to conceive how a nation of Europe might be conquered in the East or West Indies: Successes of this kind, in all former wars, have been so many steps towards the conclusion of peace. Upon such grounds as these was founded the peace of Utrecht concluded by Louis XIV. the peace of Fontenoy with Louis XV. and the peace of Paris in 1763 by Great Britain. But was that the case in the present war? No such thing; because the object of the present and former wars was essentially different. If the principle of the present Bill was carried into effect,

fect, we must necessarily destroy the present existing government, or what you please to call it, of France. It would avail us nothing if our object be the destruction of the French government, to take the whole of their East and West India dominions; it would avail us nothing that Brissot, or Danton, or Robespierre, were put to death; for what would the French say? "True, we have had all these losses; but we are not fighting for dominion or territory, or for particular men: We are fighting for our existence, and for the existence of our government." Successes of this kind, therefore, have no effect whatever towards accelerating the conclusion of a peace. It is true, it might be said, that the more we take of their possessions, the more we shall reduce their strength, and therefore the more we shall incline them to wish for peace. This mode of arguing was certainly right when one thing was held equivalent to another, and when the great object was the loss or gain of possession or dominion. These arguments had force or application only to a case where we chanced to be at war with a government that it was not our object to destroy, but they could have no bearing whatever on the case of a war with a government, the destruction of which is made a necessary preliminary of peace. To such a government, therefore, the loss of an island, or of islands, could afford no argument for making peace, because the persons exercising the powers of government knew that our object and endeavours aimed at their entire destruction.

It might be said, that, by degrees, we might so weaken them, that they would consent to any form of government rather than continue the war; for, by diminishing their power, we shall lower their pride. He would ask, was there any man in that House, or any man in the country, that had ever considered the subject, who thought that, in the present situation of France, such an effect could follow from such a cause? Could we conceive that those men, with such a spirit, whether from terror of their rulers, depravity of their hearts, from enthusiasm, or from whatever cause such a spirit and disposition might have originated; could we conceive that these men would be found, in any considerable number, to change the sentiments, they had almost to a man adopted, of forming a government for themselves, and tamely and submissively bear the yoke of a foreign power, and take any government that should be dictated to them, and all this because we might have proved successful in the East or West Indies? If any person could hold such an opinion, Mr. Fox said, his mind must be strangely constituted indeed! It might, however, be said, that our successes would tend to make the people discontented with

with their present rulers, and diminish their attachment to their government; was such an effect to be expected, or at all likely to be produced? Was there a man, woman, or even a child, in France, who, having borne all that they had borne within the last five years, who, having witnessed the horrors and blood with which their country has been deluged, to whom each day had been a day of life and death, yet had nevertheless adhered to their government and their rulers, would now desert them merely for the loss of an island in the East or West Indies? We all knew that when the mind was irritated and goaded, when it was busied in viewing daily objects of terror at home, it was not likely to be much affected by remote consequences: They were either not taken into its consideration at all, or, if considered, compared with nearer evils, they were looked on as nothing. If our cause be, therefore, against the government, and not against the possessions of France, there was no man of sense who would not admit that those different advantages which he had enumerated, had not the smallest tendency to promote or restore peace; and there could be no advantage which we could possibly gain, that could contribute to this end, unless we should be able to take Paris, or some other material part of France, which would be found an undertaking of infinite difficulty and dreadful danger.

It was not his intention, Mr. Fox said, to inquire into the conduct of the war. He had stated these points merely for the purpose of manifesting out the difference between the two kinds of war to which he had alluded, as to the circumstances which tend to the acceleration of peace; and certainly, in that point of view, the difference was great indeed. Viewing, therefore, the present Bill on such a principle, and considering it, what the common sense of mankind must admit it to be, a virtual engagement on the part of this country to restore the ancient government of France, and to replace those emigrants in the situation they formerly enjoyed, surrounded by all that pomp and dignity we heard so elegantly depicted, peace appeared to him an object infinitely distant. It was impossible to say what turn the affairs of France might take; nothing could be more improper, or even ridiculous, than any attempt to predict what might occur; but looking on the circumstances of that country as they were at present, he felt himself bound to say, that the conquest of the French seemed to him a task so dangerous and difficult, that he should be unwilling to advise it to be undertaken. It had been said on a former night by an Honourable Gentleman (Mr. Jenkinson), and it was wisely and truly said, that the best mode of conquering France was to take Paris, and that the only means by which this

could be effected, would be by first taking the strong towns on the northern frontier, which might serve as a protection for our troops, and enable us to march forward with security: That, Mr. Fox said, he also conceived to be wise and just reasoning, and the only way in which Paris could be taken; but the very mode proposed for attaining this object, convinced him at once of the difficulty, and almost impossibility, of carrying it into effect. When we looked on the iron frontier of France, and saw what must be passed before we could have any fair prospect of marching to Paris, we must be convinced that the task was of an Herculean kind; required an Herculean labour, length of time, and an uninterrupted series of success to accomplish; and we should also take into consideration the nature of the cause, and the temper and disposition of the people with whom we have to contend.

It had been mentioned more than once, Mr. Fox observed, and he presumed by way of reproach to him, that he gloried in the victory of Jemappe: He had heard it often as it had been mentioned without pain or emotion; for he had not said any thing upon that subject which he had yet found cause to repent; nor did he retract a single syllable of what he had ever said on that occasion. It had been asked in way of derision, was it any thing extraordinary for 60,000 men to vanquish 20,000, or wherein consisted the glory of the action? He did not mean to say that it was a thing extraordinary or surprising; but let them not therefore hold the valour or military character of the French too cheap, even in their present situation: It was not his design to detract from the valour of the Austrians or Prussians, much less did he wish to detract from the well-known bravery and military skill of his countrymen; at the same time, if it were wise and necessary to look our danger in the face, let us not think of despising our enemy; from this error many fatal consequences had often arisen. He should refer the House for the military character of the French, to the manifesto of the King of Prussia: When assigning his motives for withdrawing himself from the war, he spoke of them as a people of uncommon bravery, and approved tactics. This was the opinion of experience; and not merely the opinion of the King himself, but that of all his generals and officers; men, if he might use the term, the most learned in military affairs, and founded on dreadful experience of their prowess.

—*Experto credite, quantus*

In clypeum assurgat, quo turbine torqueat hastam.

Virgil. Æneid. B. II.

In the description which this declaration gives, there was nothing upon which any reasonable hope can be founded, that the French were a people easy to be conquered: To which he must add, that the experience of history had taught him to expect that such a people, fighting under such circumstances, must be very formidable to the most powerful enemy that could be opposed to them; and if we were to conjecture the future from the consideration of the past, such an event, as the complete conquest of the French in war, could not be reasonably expected. If, therefore, this was likely to be a pursuit so hopeless, he should wish to ask, whether it was prudent, or consistent with the dignity and honour of this country (for the honour of a nation, like the honour of an individual, was the most valuable and sacred of its possessions) to employ those unfortunate people in such a visionary scheme? It was not right to pledge our honour for the performance of what all the world knew to be extremely difficult to perform, and what, perhaps, many experienced people considered as altogether impossible to effect.

Having thus endeavoured to shew that the prospect of peace would by this measure be placed at an infinite distance, and that it was highly improper to pledge ourselves for the performance of what all the world must perceive to be very doubtful, if not desperate, namely, to overturn the present existing Government of France, and to restore to these emigrants all the rights, honours, and privileges they formerly enjoyed, he was led to consider the effect that this war, by its continuance, would have on the hearts and the general morality of Europe. He did not mean to boast the possession of more humanity as peculiar to himself, more than to any other person; but he begged leave, at the same time, to say, that he hoped he did not possess less than any other man, who had not more acute feelings, or a better understanding: He was, therefore, convinced, there was not one man in this country, however he might differ from him in opinion as to the justice, or the origin, or the necessity of the war, who felt more real anguish for the deplorable and calamitous state of Europe at this moment than he did.

It had been said, and truly, that one of the most evil consequences of the war was, that it tended to render the hearts of mankind callous to the feelings and sentiments of humanity. When we daily heard of the massacres of such numbers of individuals, that memory could not even recollect their names! when we contemplated the slaughters at Lyons, at Marseilles; at Bourdeaux, at Toulon! he much feared that the effect would be injurious to the morals of all Europe: The misfor-

tunes experienced by multitudes of individuals at these and other places, had been so great, that the mind was bewildered and amazed in the magnitude and complication of the misery. He was clearly of opinion, that the human mind might be made so familiar with misery, and scenes of horror, as at last to disregard them, or at least to view them with indifference. It was difficult to preserve always the acuteness of the feelings; and it was in his mind no small misfortune to live at a period when scenes of horror and blood were frequent. By the constant repetition of such scenes, our feelings were by degrees blunted; and in time we became indifferent to what at first would interest them with the most amiable sympathy and distress. Humanity on this account had been, by the Stoics, deemed a weakness in our nature, and in their opinions impeded the progress of the judgment, and consequently the improvement of morals; but his sentiments so widely differed from theirs, that he thought humanity not only not a weakness, but the strongest and safest friend to virtue. No man could lament, therefore, more than he did, the mischief done to mankind by making the heart too familiar with misery, and rendering it at last indifferent; because, on the heart, and on the feelings, chiefly depended our love of virtue; and he was convinced they did more service to the cause of virtue, than the wisest precepts of the wisest men. Humanity was one of the most beautiful parts of the divine system of Christianity, which taught us not only to do good to mankind, but to love each other as brethren; and this all depended on the sensibility of our hearts, the greatest blessing bestowed by Providence on man, and without which, with the most refined and polished understanding, he would be no better than a savage. The feelings of all Europe have already suffered by the repeated horrors of France; but, with regard to their cause, the French appeared to have, in a great measure, been driven to these violent scenes of bloodshed and horror. It was with a nation as with an individual; for if an individual be placed in a situation in which he felt himself abandoned by the whole world, and found that no one was his friend, no one interested in his happiness or welfare, but all mankind, as it were, by general consent, his enemies, he must become a misanthrope and a savage, unless he possessed a mind more heroic and exalted than we had any right to expect. Such was the situation in which France had been placed; almost all Europe had united against this single people; not for the purpose of regaining any territory upon the Rhine, or restraining the strides of an ambitious Monarch towards universal empire, as had been the case of the combination against Louis XIV. not for the purpose

purpose of repelling an aggression, or to obtain reparation for an injury, or satisfaction for an insult, or indemnification for losses, and security for future peace, but for the open and avowed purpose of destroying a people, or compelling them to accept a form of government to be imposed on them by force of arms; and that, too, the form which, from every conjecture they could possibly make, they most detested and abhorred—their ancient monarchy. Could it be wondered at that the French, under such circumstances, were savage and ferocious? He did not say that it was the intention of the Combined Powers to compel them to return to their ancient form of government; it was enough that they were under the apprehension of it, and that almost the whole of Europe were leagued in arms against them; and no man could deny, but, as a people, they had an equitable and moral right to resist such an attempt, and to refuse their submission to such dictation.

A Right Honourable Gentleman (Mr. Burke) had drawn a pleasing picture of the happiness of the people of France under their monarchy, and bestowed what he considered an unmerited eulogium on that form of government, where the French peasant was described to have sat in happiness and security under his vine or his olive. He, for his part, Mr. Fox said, had certainly no pretensions to any thing like profound philosophical observation on men or manners, but he had been in France where this mild and temperate monarchy was, and had seen some of their peasants, who were so far from having any thing like security for the possession of any property they might have, that it was altogether at the disposal of the higher orders; and their situation in general was, to all appearance, so replete with misery, so abject, and so wretched, that they could not be objects of envy to the subjects of the most absolute despots upon earth. "I know," continued Mr. Fox, "that France has been called 'a mitigated absolute monarchy.' This I deny, from experience, and contend, that it was most fierce and barbarous. I do not mean to compare the situation of the people of France, under their monarchy, with the situation of the people of this country, or with the situation of the inhabitants of Holland, or the United States, or the happy Cantons of Switzerland; I would compare them with the inhabitants of Germany and Italy, and the other despotic governments of Europe, and contend, that their situation was by far the most distressed and wretched of any of them. Seeing this to have been their situation, and apprehending the object of the Combined Powers to be to replace them in that bondage, it is not surprising that they are become furious."

In a former debate on this Bill, he had heard it asked, Whether, if any of the emigrants employed by this country should be taken, and put to death, were we to retaliate? He had heard also, in reply, a solitary, but dreadful, *Yes*; and surely the wit that had been used on this reply was as ill-timed as it was inapplicable. Dreadful were the consequences that must follow the adoption of a system of retaliation; dreadful the situation in which these unhappy men would be placed, who must, if taken, be considered as rebels, and put to death; as to these unfortunate men, the war will be a civil war to all intents and purposes; and every man knows that civil wars have never been distinguished by humanity. A great military authority (Lord Mulgrave) has asserted, that these evils, so much apprehended, were not likely to be produced, which appeared from some circumstances that fell under his own immediate knowledge. He (Mr. Fox) rejoiced at this information; but, nevertheless, he believed that those gallant men who fought under the Prince of Condé, and were unfortunately taken prisoners, had been to a man put to death. The same Noble Lord (Mulgrave) had asked whether we should suffer ourselves to be bullied by the French out of the means which were in our power; certainly not; but let us be certain, in the first place, that these means rest upon fair grounds, and were such as we have a just right to use. The opinion which he was about to state, was like many other of his opinions, perhaps, singular; it was this, that war ought to be carried on as mercifully as possible, without any regard to persons. He certainly could not find this opinion either in books, or in the practice of Europe; and history taught all who perused it, that the treatment of prisoners in civil wars was never remarkable for humanity. Let us look to our own history, and to what were called good times. We have had, during the present century, in this country, two rebellions, in the years 1715 and 1745; did we then reverence this merciful maxim? Did we consider that the treason of every man was done away by his holding a commission from a foreign power, when taken in the field of battle? No! Mr. Radcliffe offered this plea; but it did not avail him; he was executed.

“If the French were to land in this kingdom, and there chanced to be any body of people so abandoned to all sense of duty, so lost to the love of their country, so dead to their own interest and happiness, as to join them, would you pardon any of them who should produce a commission from the Convention? You would not. If, therefore, any of these persons are taken in the field of battle, in arms against their country, is it to be supposed that the Convention will respect the commissions

missions granted by the King of Great Britain, or that these commissions will afford them protection, or secure them from punishment? In the present question, if you determine not to retaliate, in what a disgraceful and calamitous situation do you place those whom you employ! And if you retaliate, good God! in what horrors will Europe be involved!" In whatever point of view he considered the measure, it appeared highly objectionable; it would tend, if adopted, to render the war more bloody, and of longer duration.

"Let us take a view," continued Mr. Fox, "of ancient history, and see how wars have been conducted, and compare them with the present; we shall then see the reason why the present war is more bloody, and more cruel, than any of those wars recorded in modern history. In modern wars, the contest has been, generally speaking, concerning the possession of territory; at least the loss of territory, for the most part, has determined it; each acknowledging the independence of the other as a nation; and therefore the parties, like two individuals at law, did not seek to destroy each other after their difference was determined. In ancient wars, the contest was between powers seeking the destruction and extermination of each other as a nation. It is not my wish to take from the mild effects of the Christian religion, which also has tended to soften the manners of men, but the merciful manner in which modern wars have been carried on, in comparison of the ancient, has resulted chiefly from this great difference between their objects. *Delenda est Carthago*, said the Roman Senate, of Carthage. Athens conceived it was for her interest to destroy the government of Sparta, and *vice versa*: The Macedonians were convinced of the necessity of extirpating the Greeks. To these wars of the ancients, the civil wars of modern times alone afford a parallel, because their objects are also to effect the destruction of governments; and for this reason, they are less merciful and mild than wars waged between independent sovereigns. The present contest with France may be justly termed a civil war, in the force, the acrimony, and savageness with which it is carried on, in which all Europe is involved."

The combined powers had declared that the government of France must be destroyed, and that declaration has rendered the French desperate and cruel. That was a system at which humanity shuddered; that was a system promoted by the present Bill; a system openly avowed and maintained by those who support the principles of this measure. This system has already had its effects in this country; it had rendered the people callous; some through fear, a power which deprives a man

of rationality; others by indifference, which prevents a man from exerting his intellects, and benumbs his feelings. To what but this could be imputed the general excessive severity of the sentences lately passed upon individuals*, for having done nothing more than an honest man, acting perhaps under the influence of a misguided judgment, might conceive it to be his duty to do; in doing nothing more than pursuing a little too closely the former conduct of his present prosecutor? To what but this could be imputed the general disinclination of the House, and lastly, its absolute refusal, to interfere with these sentences? If any man, three years ago, had committed such an offence, and had received such a sentence, the House would have fired with indignation, and interfered to prevent its execution. That punishments so enormous should be inflicted on gentlemen of a liberal education, and irreproachable manners, probably possessed of good hearts, and whose only crime so nearly resembled the virtues of other men, who even arrogated to themselves some merit on that head; that such men, for a bare misdemeanour, should receive a sentence worse than death; a sentence that has the certainty of death, without its immediate release from misery, a lingering, peevish infliction of a punishment, which, in cruelty, exceeds immediate death; and all this for a conduct not long since deemed meritorious; this was owing to the horrid examples of France, and arose from inordinate fear, and miserable apprehension. Was he not, then, entitled to say, that the present war was dangerous to the constitution of this country, since it tended so directly to extinguish, in that House, and in the people, the spirit which had hitherto guarded the constitution from the daily attacks of the executive power? Impressed so forcibly with these sentiments, he felt himself unable to withhold his opinion; not from any expectation of making any very deep impression on the majority of that House; that, he was well convinced, would be a hopeless expectation; but because he conceived it his duty so to do, that the Public might be called upon to exert their judgment.

There were two points more to be considered, Mr. Fox observed, before he could take leave of the subject: First, the probable effect this system would have on the French character; and the other, the immense expence the measure might introduce in the public expenditure of this country. With regard to the first point, it was to be observed, that the French

* The persons tried before the Court of Justiciary in Scotland, convicted, and, in consequence of sentence of transportation, sent to Botany Bay for fourteen years.

character was a marked one; and nothing was more prominent in it than an attachment to their country, which might be called patriotism, or nationality, but which consisted in the desire of having France appear magnanimous and great in the eyes of the world. Perhaps in this they had never been equalled, except by the ancient Romans. This ought to make them cautious as to what might be the result of employing any very considerable number of those men. Let them consider, that should we even succeed in placing Louis XVII. on the Throne, and a question of indemnity arises, perhaps these very French troops we had employed might take part against us; they might possibly have also other interests in betraying us. He did not mean to say they would do it, but at the same time it would not be altogether discreet to hold out to them too great a temptation. Suppose however, that we should fail in our attempts, and should be forced to return to the first object of the war, what would be then the consequence? We should become the sad spectators of the ruin we had roused; we should hear these emigrants reproach us in this manner: "*We depended on your promises, and you have deceived us; we have relied on you with confidence, and you have thus prevented us from using any endeavour to reconcile ourselves to our country.*" We should then be forced either to cast them out to the wide world in misery and distress, or to burden the people of this country for their maintenance; a burden that would be more heavy, and less just, than that in consequence of the protection afforded the loyalists in the American war. With regard to the expense, it was impossible to say to what extent it might go; and as our resources, like all human things, had their limits, we could not be quite sure the people would be able to bear the burden; nor could we be sure, supposing them able, that they would be long willing to do so. When so desirable an end would be accomplished God only knew; but he contended that we should endeavour to accelerate the period of peace, and to make the war as little savage and ferocious as possible. This Bill, as inimical to these two very desirable objects, which were so much the wish of his heart, should have his decided negative.

Mr. Secretary Dundas rose and said, that like the Right Hon. Gentleman (Mr. Fox) not before having had an opportunity of speaking to the question, he was happy that the Right Honourable Gentleman's opposition, even at that stage, had furnished him with an occasion of recording his sentiments upon it. In doing this, he promised the House, that he should not detain it by entering much at length into the arguments of the Right Honourable Gentleman; for the measure they were

levelled at was grounded on such plain and obvious constitutional principles, as could not fail to impress the strongest conviction on every one who considered it with attention. As this consideration, therefore, was an object of the greatest importance, he begged that the House would, as a preliminary step, take into their recollection the state of the war, and the state of the enemy: And first, it must be allowed, that Great Britain had been very tardy and cautious in engaging in it. The British Government had, indeed, and so he believed had all other governments, seen with trembling anxiety the French revolution in its first progress. In that state it was a subject of cautious observation, but not of positive alarm; but soon it assumed a shape so formidable, as created an alarm in the minds of all men. It assumed the shape of a conspiracy of all the lower classes (who, destitute equally of principle and of property, had much to gain, and nothing to lose, by a general convulsion) against all property, principle, and social order; a conspiracy extending itself over a large tract of country in the very heart of Europe, and menacing in prospect a progressive extension to other countries. Still, however, his Majesty's ministers had been slow to go to war; the rapidly increasing prosperity of the country, the flourishing state of her revenues, and unbounded and daily increasing extent of her commerce and manufactures, had induced them to pause; they hesitated with that caution which an object of such magnitude required. But at length all hesitation was put an end to, by the French declaring war against us; not in the common forms, or with the usual circumstances that attend declarations of war, but with symptoms of the most alarming nature that madness and malignity could devise, branching from a newly-created constitution, avowedly averse to every government, of what nature or kind soever, and built upon desolation and anarchy. Thus it had appeared at the time of the declaration of war; since which he was surprised to find that any man, presuming to anything in the shape of reputation for candour or common sense, could have a second opinion on the subject, however he might have thought of it previous to that period. At first, he owned, that things in France bore such an aspect as left great scope for the exercise of opinion: But it was reserved for one great and illumined mind (Mr. Burke) alone, to have foreseen from the outset the necessary consequences of the revolution. He had even then, in his strictures on that subject, conceived, and, at the time when the tide of human opinion ran directly against him, pointed out, with a discernment amounting nearly to prescience, the calamitous catastrophe likely to result from the revolution in France. Those strictures were then said to be

be the phantoms of an over-heated imagination; but time, which rarely failed to do justice, had proved that all his predictions, so far as they went, were verified to the last letter; and that the prophecy had fallen far short of the facts which had since taken place, no one, he presumed, would be hardy enough to deny. That monstrous system broke forth like a torrent in outrage against all the kingdoms of Europe, against all governments, against all property, against our allies, and, as it was openly avowed, threatened, when opportunity offered, to be directed against this country also. This was precisely the situation of affairs at the time of the declaration of war by France. The first step after this, was the banishment from that kingdom of all persons respectable for rank, for fortune, for virtue, or for attachment to religion. Those men, thus banished, solicited protection from this country, sought an asylum in the beneficence and charity of the British nation, and found it.

To those Gentlemen who would contend that the war was not a just and necessary war, he would say nothing in addition to the conclusive and unanswerable arguments which had been so frequently used in that House, but content himself with barely stating, that those Gentlemen were inconsistent with themselves, and, however they acted, at least professed and promised to act in direct contradiction of that assertion; because, although they pronounced the war unjust and unnecessary, they pledged themselves to support it; and though they pledged themselves to support it, they had never failed, in any one instance, to oppose every measure adopted by the executive government for its maintenance.

With regard to the present measure, which was so violently opposed by the Right Honourable Gentleman's Friend, and so solemnly deprecated by himself, it was brought in aid and support of this war, which the general suffrage of the people; and the almost unanimous concurrence of the House, had already sanctioned. He left it to the wisdom and discernment of the House to decide, whether it was a measure which had a tendency to facilitate the accomplishment of the object of the war or not, and by that decision he would implicitly abide.

What was at present the situation of power in France? it was carried on by a faction, aided by a great body of the lowest order, and most profligate of the populace; from a reference to all their actions, and to all their resources, it would appear that that power was held by the most precarious of all possible tenures; he would put it to the House, and to the Gentlemen on the other side, whether they were warranted

in saying, that the great body of the people of France were attached to the present constitution? whether they, like their tyrant rulers, were inimical to the general interests of mankind, or systematically hostile to this country? or whether they were unanimous in their sentiments on the subject of general policy? He would venture to say, they were not; and, as a proof to the contrary, he appealed to the immense emigration from that unhappy country; to the unbounded butcheries, massacres, and slaughters, under which millions had fallen; and to the total extinction of that security of person and property, which alone can bind rational men to any government, or engage the attachment or affiance of a community. In short, for his part, he was convinced that the larger body of the French people wanted nothing but real protection and support, to induce them to come forward, and raise their whole force against the Convention. The natural consequence of the innumerable massacres of those savages upon each other, must be animosities, distrust, rancour, and jealousy; and it was not small bodies of men, but by far the larger part of the people, that must necessarily be discontented, and hostile to such unparalleled tyranny, however they might conceal their feelings under the impulse of terror. If, then, such a government, or rather such an usurpation, were incompatible with the existence of other governments, and with the hopes of lasting security, it must be allowed that the legitimate and necessary object of the war was the extinction of that government; and what measures, he asked, were so likely to effect that end, as making use of those means which were most closely connected with that object? None. What were those means? Great bodies of unfortunate persons, of different ranks, were driven from their country, stripped of their property, and reduced to the last extremity. Those men, when collected into a body, would erect the standard of exiled religion, oppressed virtue, and expatriated loyalty; and to this end they called upon the British nation to give them arms. To such persons, who might be said to have identically the same interest as we have, who would give a refusal of such a demand? If he desired, as all wise men must do, to establish a regular government in France by their means, it was only with the hope of thereby establishing security in Europe, and peace in this country.

As to the war, Mr. Dundas declared himself to be a friend to it; and he hoped much from the measure proposed by the Bill under discussion, as the most effectual to the attainment of a solid and secure peace. But until we first overthrew the present system of French politics, we could neither obtain
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peace, nor hope for security; for, notwithstanding the stability which the Right Honourable Gentleman conceived this country derived from its situation, and the superior valour and loyalty of its people, to which no one was more forward than he was to subscribe; yet, insulated as we were, and much though we might boast of the bravery of our people, if a horde of sanguinary Tartars were suffered to collect in the heart of Europe, and disseminate principles of anarchy by the sword; if every feeling was suffered to be extinguished, and all principle and all property trampled under foot; and if the expediency of murder was to be measured only by convenience, when all the nations on the continent, one after another, shall have sunk beneath their arms, or submitted to their principles, he believed the Right Honourable Gentleman would hardly contend, that we could hope either for security, peace, or safety. Desirable, however, though this measure might be, and heartily though he might wish for its adoption, yet he should not be found inattentive to any substantial objections which might be raised against it. There might perhaps be other considerations offered, which, when duly weighed, might counterbalance those which he had already offered, and he called on the House to say how far the Right Hon. Gentleman had succeeded in his attempt to urge them.

The Right Honourable Gentleman (Mr. Fox) had said, or rather hinted, that many writers, ancient and modern, had laid it down as a part of the law of nations, that no power should interfere in the internal affairs of another nation, or attempt to subvert its government. He feared the Right Honourable Gentleman had not lately examined those authors, or, if so, had not at least read them with his usual attention and accuracy; for, though he had not himself, for a long time, looked into those books, he would, upon recollection, hazard an assertion, that there was not to be found in any author, ancient or modern, who had written on the law of nations, a principle of that kind; On the contrary, it was laid down in many, and particularly in the Right Honourable Gentleman's favourite author (Vattel), as a maxim (and common sense pronounced it a just one) that the government of one country might interfere with and subvert that of another under certain circumstances. The great leading general principle of all nations was self-security; to this all general principles must be subservient; and if the fact were, that the government of France were lodged in the hands of men whom the Right Honourable Gentleman himself called *Monsters*, he wished to know what general principle could be found that forbids an attempt to wrest the government from their hands? Ex-
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clusive of this consideration, however, it would be found, that, where authors touch upon this subject, they relate it as a matter of speculative policy, applicable to internal discords in times of peace; but in a state of warfare, no man could be so ridiculous as to say, that it was not lawful for a nation to use all possible means to distress, to overcome, and destroy that government with which they are at war. And what was the present case? We were at present engaged with France in a war, in which, if the ancient government, or any other but the present usurpation, existed, we should not in all probability be engaged. Ministers were not to sit down in their closets, and form speculative questions, whether or not they should interfere, and endeavour to overturn that usurpation, but to consider the enemy as an enemy, and devise means to bring them either to reason or to ruin.

The Right Honourable Gentleman, Mr. Dundas observed, had dwelt with much plausibility on the calamities of retaliation: He hoped the House would not suspect him of being less alive than the Right Honourable Gentleman to the feelings of humanity, or less adverse to the horrible circumstances of war, though he refrained from discussing that subject: He refrained not from fear or disinclination to the discussion of any topic that might necessarily arise, but from the impropriety of agitating such a subject. Generals, who, for wisdom and humanity, yielded to no men that have ever lived, had found it necessary, in the field of battle, to exercise retaliation; but none ever attempted to define, ascertain, or reduce the exercise of it to general or definite principles. It was severe enough on them to be obliged to execute, without hurting the mind by after-speculations on it. As right and wisdom, so humanity and necessity, are sometimes at variance. Humanity may call to refrain from, and humanity may call to execute; but it is absurd and impolitic to enter into a cool discussion of such a subject.

He hoped that the House would acquit him of having brought those men into such a state. If he were the conqueror of a province; and had sent the people of that province coercively to war, he might indeed be called a savage: But that was the case of men who had been driven to the last extremity, who had lost every thing, who had no hope but in the favourable issue of the war, and who, not by compulsion, but spontaneously, were taking up arms to get back, by the beneficence of this country, to their rank, their property, their children, of which they have been bereft. They had called for arms: It was theirs to consider the probable effects of retaliation: They had weighed it well, and said, "Shall we run
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the hazard of war, and of retaliation, and join England, who is fighting our cause, and endeavouring to restore us to our all; or shall we endeavour to spin out a wretched, dishonourable existence, in this forlorn state, and die perhaps at last of famine, outcasts of our country, traitors to our King, and apostates to our religion, by refusing our aid and support to them?" No one could presume to accuse Government of using compulsion: The emigrants had had the whole of the prospect, and the whole of the risk, before their eyes; they had taken their resolution; and no one could deny the wisdom of their choice; no man of feeling or magnanimity could think of acting otherwise.

Mr. Dundas having argued these points with great strength and ability, said, he would next endeavour to shew the fallacy of that assertion, that this measure would tend to prolong the war. To a certain extent, he was willing to admit, that the conquests we had made in the East and West Indies had not the same effect on the councils of France as conquests in France itself might have had: They had been undertaken to secure an indemnity at all events; yet still, he maintained; they tended to accelerate the issue of the war; for as the resources of the French depended in some measure on their colonial possessions, taking those colonies from them must, of course, diminish their power of carrying on the war, and facilitate the accomplishment of our grand object.

The question, then, was resolved to this; "Could we hope for peace or security without a total change in the government of France?" To this he would answer, "Certainly not:" For, even though we could keep all our conquests, and conclude a peace on the terms of standing as we now did; yet, while so great a country as France, so powerfully circumstanced, so furnished with internal resources, arising from soil, climate, population, local situation, and extent, was suffered to exist with such a government; a government raised upon violence, treachery, and usurpation; cemented with blood; supported by fraud, confiscation, and plunder; directing its views to the accomplishment of schemes, such as neither the wildness of human project, nor the wandering of distracted imagination, but the fury of fiends, and the malice and cunning of the enemy of mankind, alone could suggest; and carrying those schemes into execution, by converting the whole people from husbandmen, manufacturers, and traders, into soldiers; while such a nation, so governed, existed in the heart of Europe, vain indeed would be the hope of any country to live in safety! On this principle, if there were no other, he might venture to found his defence of the measure in question.

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He recollected, Mr. Dundas said, some strictures which had been uttered in that House in the last Session and in the beginning of this, on Government's not affording early assistance to the malcontents and loyalists in La Vendée. Those strictures, he would say, were erroneous; though he perfectly coincided in, and subscribed to, the principle, that it ought to be done, if possible: But how did that agree with the Gentleman's disapprobation of interfering with the internal government of the country? The principle, however, was right, if it could have been effected. Gentlemen on the other side had insisted on it, and he admitted it. If then it were expedient to risque our national safety and honour in the hands of an undisciplined, unprovided, scattered band, such as that in La Vendée, how much more wise and useful must it be to take into our pay a strong concentrated body of men, disciplined, appointed, and provided before they take the field; commanded by men, not only eminent for honour and military talents, but revered for the victories and laurels they have won to adorn the Crown of France! fighting under the same banners, having the same object, and animated by the same enthusiasm, as ~~those~~ of La Vendée; not the enthusiasm of diabolical inspiration, which swells the orgies of the Sans Culottes and Jacobins, but the enthusiasm of a pure and glorious religion, of true heroic patriotism, and of steady and unshaken loyalty! Such an army was not only equal to prodigies in itself, but must acquire strength and numbers as it proceeded.

An Honourable Gentleman had mentioned 500,000: He, for his part, wished and should rejoice to find, that there were so many; and though the Right Honourable Gentleman had questioned the ability of finding resources for such a number, except from this country, he conceived that a much smaller number would, in a short time, render aid from this country totally unnecessary, by putting a prosperous period to the war, recovering their rights, and putting an end to the calamities of France.

It had been asked, why this measure had not been adopted before? To this he would answer, that the country was not obliged to decide upon the question before; but when large bodies at Toulon, La Vendée, and others, had called on this country, it was found expedient to comply, and prudent to employ France against France, to save her, and establish the peace and security of Europe.

The Right Honourable Gentleman had said, that the war against France had tended to harden the hearts of men, and render them callous to the finer feelings of humanity: He would readily allow that that insensibility had taken place to the
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the most horrible extent in France, and even in England in part; for that which would once have excited horror and consternation, was at present heard almost with unconcern as the news of the day. In the latter, however, he persuaded himself, that it was not the effect of a hardened heart, but of a feeling which made the mind turn away without examination from subjects that were so often contemplated with disgust and horror. Would the Right Honourable Gentleman say, that we should not lift an arm to smite those wretches who had occasioned that insensibility, or rather familiarity with cruelty and horrors? It was not the war, but the authors of the war, who had worked this strange and lamentable alteration in the human mind. The governors of France had done it; and the government of France bore in it the seeds of all those and ten thousand other mischiefs. If power were thrown into the hands of a lawless illiterate mob, no bounds in nature could intrench mankind from the assaults of it in all the various shapes of abuse; but let not Gentlemen presume to say that it was the war that has occasioned them: All those outrages of society, all that disregard of religion, all that violation of property, had taken place before the war commenced.

Mr. Dundas finished his speech with some remarks on what had fallen from Mr. Fox respecting Muir and Palmer, &c. and hoped that Gentleman would look to the statute books, and see what crimes those were to which the punishment of death is annexed. Compare the crimes of an unfortunate wretch, who steals a cheese, with that of men who conspired to instil into the people of Great Britain a hatred for their own government, and a love for that of France. See this, and reflect on the conduct and humanity of those Gentlemen who could silently acquiesce in the punishment by death of the former, who was perhaps impelled to the theft by the clamours of a famished wife and hungry babes, and yet revolted at the transportation of the latter, who had no motive to urge in palliation of their crime, no spur to prick them on but the horrid desire to overturn the constitution, and bury all the people in its ruins!

Mr. Burke acknowledged that the whole of the Right Hon. Gentleman's (Mr. Fox's) speech formed a most admirable panegyric, a most beautiful eulogy upon humanity. No man opposed the principle of humanity, that had been so eloquently defined by the Right Honourable Gentleman. Who had dispraised humanity? It might be fairly urged against the Right Honourable Gentleman, that *ambitiosa fuit humanitas*. It had been formerly asked by a fellow, certainly not very polite in his manners, of persons who were prodigal of their praise towards

Hercules, *Who blamed Hercules?* So in like manner, it might be asked of the Right Honourable Gentleman (Mr. Fox), *What Member in that House blamed humanity?* The mode of reasoning pursued by the Right Honourable Gentleman was undoubtedly, in that instance, repugnant to the rules of rhetoric; nay, diametrically opposite to the principles of eloquence. There never was a subject upon which the Right Honourable Gentleman could exercise his eloquence, and of that he had a most uncommon share, to so very little purpose, more especially in that House, as upon the subject of humanity; for every member in that House, to its praise be it spoken, was thoroughly acquainted with, and uniformly acted upon, sentiments of humanity. The Right Honourable Gentleman had therefore thrown away his breath upon the subject, and wasted much good eloquence. But if the Right Honourable Gentleman had preached his sermon on humanity in the *Jacobin Club* or in the *Club of the Cordeliers*, no man could deny that it would not be remarkably opportune, and extremely necessary at the present moment. To them, who were so abandoned, might be said,

“*Discite justitiam meriti, et non temere divos.*”

Whatever chance there might be that so excellent a discourse might make some impression on the minds of the Jacobins, yet he had too great an esteem for the Right Honourable Gentleman's talents, too great a reverence for his abilities, too great a regard for his humanity, too great a love for his generosity and good-nature, too great an anxiety for the safety of his person, to entertain a wish that the Right Honourable Gentleman should go in person among the Jacobins to preach his sermon upon humanity, and apply it in an effectual way. No man liked humanity in theory better than he did; but as well as he liked it in theory, he liked it in practice better. Every man, that had the least acquaintance with the Right Honourable Gentleman, bore testimony of his good-nature; but the Right Honourable Gentleman's politics and rhetoric often led him astray from his good-nature. From this charge he himself could not crave an exemption. But how did the Right Honourable Gentleman apply his humanity? He certainly had expressed himself possessed, and very justly so in his opinion, of great compassion. Of this compassion it might be said, with Pope,

“——To leave them Providence's care.”

The Right Honourable Gentleman professed, that he would not be instrumental in restoring those unhappy persons to their

their friends, to their relations, to their native country, from whence they had been so cruelly and inhumanly banished; while at the same instant he avowed himself prodigal in pity of their wretched situation. The Right Honourable Gentleman had expressed, in very pathetic terms, his abhorrence and detestation of the cruel sufferings that those unfortunate victims of anarchy had undergone, while, at the same instant, he refused to afford them the least relief. How then did the Right Honourable Gentleman deal with the injurers and the injured? Why, he pities the injured, and abhors the injurers. But as he would not relieve the sufferers, so neither did he think himself justified to punish the guilty. This was a principle of Stoicism, that defied the most rigid Stoic, nay, even the great Zeno himself, to exceed. The sum was, that the Right Honourable Gentleman was possessed of compassion without a desire to relieve, and of resentment without a wish to punish.

With regard to the little monosyllable *Yes*, which had been alluded to on that night, as well as on a former occasion, with some degree of levity, he had only to observe, that *Yes*, in the old English, was called *Ay*—

“ *Ay, ay, ay—A word more fatal thrice*

“ *Than the eye of death-doing cockatrice.”*

Mr. Burke confessed that all his barbarism sprang from *Yes*. It was passing strange, if he could do more mischief by the little monosyllable *Yes* than the Gentlemen in opposition could by their *long speeches*! When he found that his *monosyllable* had such an effect, it certainly was indecent and improper for him to trouble the House with *such long speeches*.

Must that little word *Ay*—that dagger, that horrid, that dreadful, and bloody monosyllable, that was to produce so much retaliation—excel a word that is composed of many and beautiful syllables? Could he imagine that the Gentlemen on the opposite side would not follow any regular train? Could he suppose that they would not pursue any regular system? Though some advantages might be derived from what they might advance, yet, from the situation in which they stood, no responsibility attached upon them. What he had heard advanced that night, he had heard with considerable pain. Nay, he had heard the great principle of the law of nations reprobated. The principle of all law was the *Lex Talionis*. If an individual sustains an injury, by the rules of society, the injurer is to suffer, and the injured is to be avenged. He had trusted that Gentlemen would have dropped that topic. He

had hoped that Gentlemen would have been persuaded that he was not devoid of humanity, and that they would have given that subject its general credit, and suffered it to pass. But he had found that was not the case. In regard, therefore, to that subject, he would contend, that humanity could not exist for a moment, if it were not guaranteed by justice. All the horrors, the murders, and the massacres, that deluged and destroyed that unhappy country, France, were introduced by that continual talk of humanity: But, alas! all Europe was satiated, even to *nausea*, with that species of humanity! Humanity was founded on the principles of justice, and justice on the *Lex Talionis*. The law of nature knew of no other principle. A celebrated writer (Mr. Locke), with whom, on some points, he had not the honour to agree, though he certainly did on this, stated that man, out of civil society, had a right to revenge his own wrong; which principle was grounded on the *Lex Talionis*. The virtue of humanity was less defined than the virtue of justice. With respect to the doctrine of retaliation, if he had the ear of his Sovereign, if he had the ear of the Combined Powers, he would boldly tell them, that, in his humble opinion, it would be a scandal and a shame for them to suffer any man that joined their cause, that received their pay, and that fought under their standard, to be sacrificed, if they could possibly prevent it. He would seriously put it to the Right Hon. Gentleman, whether it were better for those unfortunate persons that have been driven from their country, robbed of their property, and separated from their dearest relations, to rely on the mere chance of having a constitution established, of having a government, of having laws, of recovering their property, of being restored to their country and their friends, under the possibility of falling a sacrifice to the vengeance of their countrymen, or to the other alternative, of pining out a life in poverty, banishment, and every human misery? The chain of human affairs lay between two evils. He called upon the Almighty to forbid that a system of retaliation should ensue. It had been stated, that the adoption of the present measure would have a tendency to *inflame*; he defied any man, even as cruel as himself, to be capable of *inflaming* the *Jacobins*. In France, anarchy, confusion, horror, murder, massacre, irreligion, immorality, plunder, devastation, atheism, rebellion, and revolt, were at the height: There the *Jacobins* slaughter the *Cordeliers*, the *Cordeliers* the *Jacobins*, the *Mountain* the *Valley*, the *Valley* the *Mountain*; in short, they were all slaughtering one another. With respect to what had been stated relative to the endeavour to introduce the

the system of cruelty and retaliation in the place of civilized war, a man might observe with *Macbeth*—

“ Now high-seated tyranny reigns

“ Till every man fall by lottery.”

For the deplorable, for the lamentable situation of France, no man felt more. For himself he might be indulged to say,

“ *Haud ignarus mali, miseri succurrere disco.*”

Virgil. *Æn.* I.

In all evils the quantity of the evil is a consideration. There were insurrections, there were tumults, there were riots, there were revolutions in this country, as well as in other countries; but what degree of comparison was there between the slaughter committed in France at present, and the slaughter committed in all the other countries of Europe conjointly? With respect to what had been said by the Right Hon. Gentleman relative to the death of Mr. Radcliffe, he was of opinion, that he ought not to have been executed: He was also of opinion that Dr. Cameron ought not to have been put to death.

The Right Hon. Gentleman should have recollected what happened in 1688. The Right Hon. Gentleman should have recollected, that Louis XIV. took some Irish regiments under his protection. And what was the consequence? Did those Irish regiments suffer? No, not one; although, after their desertion, a whole regiment was taken in Scotland, and some of them in detached bodies were taken in Ireland. Here was an instance of the conduct of this country. But there were several other instances to be shewn, both in America and in France. This proved the dignity of sentiment in former times. In regard to the conduct of Louis XIV. it was well known that several French regiments had co-operated with King William, and that Louis XIV. never put to death any of the men that had so regimented themselves. The case of Lord Ligonier was also well known: Though born a subject of France, when taken, he was not put to death. These instances he had adduced to shew what the opinion of Europe was upon the subject. *Fact is the mortal enemy of declamation.* Mr. Burke said, he put cases as they occurred in England: He put cases as they occurred in Ireland, in Scotland, and in France; and there was not the least comparison between them and the horrible murders committed of late in France. If Gentlemen were to look into Lord Coke, if they were to examine all the French writers on the subject, he would be bound to say, they would not find one word to justify the smallest comparison. This calculation was founded on the different periods when the several

several countries were divided by civil broils, when they were distracted by discord, and oppressed by every calamity that could befall a nation. Gentlemen should look at the rebellions that took place in Germany: They should look at the rebellions that have shaken every country. He believed that Great Britain had acted with greater severity against plotters and conspirators than any other nation in Europe.

The great and indisputable system of tyranny was daily filling their own country with confiscations, and other countries with exiles. By taking a retrospect of all the calamities, rebellions, and disturbances, that he had mentioned, it would be found that scarce one family, much less a whole nation, had suffered in the smallest degree in their property. He advised Gentlemen to look to the time of Cardinal Mazarine. The Emperor had had two rebellions in the Netherlands, which he completely conquered; and what was the result? not one man lost his estate or his life. Look into Sweden, where even the King had been murdered, and there very few had been put to death. *Taking a view of all ancient history, he desired any man to shew him so much murder perpetrated in the space of one hundred years in all Europe, as had been committed in Paris in the short space of one week.* It was said, however, that Europe provoked them to this. When he saw persons going to suffer for crimes which they had committed through the infirmity of human nature, he had real compassion for them; but when he saw persons exulting in anarchy, in massacre, in blood; when he saw them reviling religion; when he saw them contemning and despising all human institutions; when he saw them trampling under foot all sacred ties between man and man; when he saw them unrelenting, and glorying in the infamy and in their guilt; and when he saw them bidding defiance to the great Creator himself, what room was left for compassion? Who could accuse himself of the want of humanity, were he to endeavour to put a period to those unnatural and horrible crimes? A nation, it was said, thus grown cruel and savage, would become still more brutal, were all Europe to unite, and were we to attempt to retaliate. Let that position be analysed; for analysis was also a deadly enemy to all declamation. What was the analysis? Was it a new case? Did not all Europe unite against Louis XIV.? and did he, in consequence, conspire to murder his council, to extirpate all religion, and to methodize anarchy, confusion, massacre, and murder? No. *Móniti meliora*; when he found that all Europe was combined against him, he immediately relaxed the reins of his government. In consequence of the league of Cambray against the power of Venice, were the nobility plundered and massa-

massacred in cold blood? Was an expedition planned against the cities of Italy? And were the inhabitants that survived to get their bread by pulling down every stone of their city?

Mr. Burke next alluded to the opinion of Mr. Lanjaunais, who reprobated, in the strongest possible terms, the regular plans for massacres and murder that had been formed at Marseilles and other places. What was humanity? Humanity, on hearing of inhuman acts, excited all virtuous indignation to rise, and sought to inflict adequate punishment. Murder in France was extremely prolific; murder succeeded murder, as long as devastation could endure it. He would ask, who had formed a corps of 1200 men to murder all the Kings of Europe? The monsters of France. The human race, by an unanimous consent, rose against the authors of this decree; they provoked the general indignation of all Europe. When this country was forced into the war, she found France excommunicated by all mankind. It had been said, that this was a combination of *despots* against the struggles of liberty.

He called upon any man to shew him any one time, when the whole race of man had united against the struggles of liberty. The sentiments of mankind, nay, the sentiments even of tyrants, went along with those who were seeking relief from oppression, and who were struggling for liberty. But why did all Europe unite against them? Because all Europe saw that it was not liberty, but power, they were aiming at; and when they had attained some power, they had shewn what a horrible use they would make of it. Next, the war was to restore the ancient despotism in France: Bad as it was, it would be only to restore every man to his *fig-tree* and to his *vine*; of many *good fig-trees*, and *good vines*, he knew, both in Normandy and Brittany. Under the ancient government no man's fig-tree, or vine, or chateau, or palace, was violated. There were, as in Egypt, many good and many bad things in that government. The only instance he knew of, where the King of France ever made a mean and oblique use of his power was, where an *Aluvian* question was contested between the King and the corporation of Bourdeaux. To some Gentlemen it might appear disorderly to mention facts. At the period of life to which he had arrived, when he had neither imagination nor fancy, it surely might be allowed him, by way of consolation, to recur to the *stumps* of his *memory*. Gentlemen ought to recollect, that Mirabeau was rescued out of the hands of justice, by being thrown into the Bastile. The people of England were as well as they could be. The poor had a charitable legislation to look to; they could demand support from persons in a middle station in life, as well as from the rich. In France

France too, previous to the subversion of their government, the poor were happy.

The day on which this country should shake hands with the Jacobins, that moment she sealed her own destruction. It was said, that this was a war for the Scheldt. It might with as much propriety be called a war for a chamber-pot. No; it was a war for our religion, for our rights, for our liberty, for our property, nay, for our very existence. Did they not attempt to over-run all Europe? Did they not attempt to penetrate into Holland, the country of our ally? Speaking politically, upon the salvation of Holland depended the salvation of this country: Our honour and dignity as a nation went along with that salvation. The measures that had been adopted to repel such unparalleled aggressions, were wise and politic. It would be wise if the Combined Powers could break into France.

A great deal had been said about the French West India possessions: From the very moment that they commenced the war, the French relinquished all idea of keeping their islands. It was a circumstance well known at Jamaica, that the French had ruined some of their finest colonies, and had formed a project of embodying 300,000 Blacks, to over-run and lay waste all our possessions in the West Indies. Therefore, Gentlemen would do well to consider this circumstance before they condemned the expedition to the West Indies; an expedition that had for its object the preservation of some of our most valuable possessions, and the rescuing of the most desirable acquisitions from the *Jacobin mass* of ferocity and servile barbarism. But it was said, that the object of the war was to destroy the men of power in France. He denied that to be the case; for there were no permanent men of power in that country; they were here to-day, and away to-morrow; one faction succeeded another, like *Ombres Chinoises*, or like the *Kings in Macbeth's Glass*. What he regretted most of all, was their nefarious discovery of the resources of terror! For terror produced zeal, unanimity, nay, he could even shew that it produced courage. When cruelty and murder succeeded with impunity, mankind, as it were, become insensibly enamoured of the success which reacted upon vice, and produced stupid and staring admiration. If the power of Jacobinism were not overturned, all Europe would fall a victim to savageness, brutality, and inhumanity.

Mr. Fox rose to explain. His argument, he said, was, that if, as had ever been contended, the cause for which we were at war, was not for the purpose of restoring the ancient government of France, we were wanting in compassion and humanity, to employ those emigrants in a cause with which they were

were in no ways connected, and, by so doing, to place them in a situation more deplorable, and more desperate, than their present; as it must entirely cut off all hope of reconciliation between them and their country. With respect to retaliation, the Right Hon. Gentleman would recollect, that he had not attempted to maintain the right or the propriety of treating such men as rebels, and putting them to death; but he had asserted, that it had been the general practice of nations, to punish with death, such of their subjects as had been taken in arms against their country. He must have been misunderstood, when he was supposed to offer any thing in palliation of the crimes and enormities which the French had committed; his argument was, that the combination of the several powers of Europe against them, was certainly the cause of a great number of them; but he never intended to offer that as an apology for their conduct. With regard to the situation of the people under the ancient government of France, it had never been his intention to compare it with the situation of the people under any free government, because he well knew, that it could bear no such comparison; because he distinctly said, that, of all arbitrary governments, that of France was the most oppressive to the lower classes of the people; and their situation was more miserable than that of any other people under any arbitrary government.

Mr. Burke replied, that he knew nothing could be further from the intention of the Right Hon. Gentleman, than to offer any apology for the crimes of the French; because he knew his heart to be so framed, that he must have an utter detestation of such enormities; but he himself only meant to shew what the effect of his argument might be, and in what light it might be considered, with respect to the situation of the people under the government of France. The bulk of the people under all governments whatever were comparatively miserable; but that they were more so under the ancient government of France than any other, he denied: That point, perhaps, at some future day, he might argue more at large with the Right Hon. Gentleman.

Mr. Sheridan said, there was one circumstance and one assertion in which he entertained no doubt that he should be joined by the majority of that House, though rather a novel distinction for any position of his to meet, which was, that the disqualifying sentence passed by the Right Hon. Gentleman who had just sat down on himself, was altogether unfounded, in so much, that he felt a considerable degree of diffidence in offering himself to oppose him on the present occasion. He had scarcely ever heard him display greater talents, exhibit more

variety, or shew greater eloquence, than he had done that night; and he had in no one way demonstrated the least appearance of declining faculties, or failing powers, except where the Right Hon. Gentleman had found it convenient to be a little defective in point of recollection. Confessing his splendid talents, he could not grant to the Right Hon. Gentleman one part of his definition of himself, *viz.* that of being reduced to a plain matter-of-fact man; for that amazing fancy, and splendid imagination, which had so often excited the admiration of mankind, were never displayed with greater advantage; attended with all that acuteness of judgment which could select facts such as were necessary to be placed in a strong point of view, in order to resist the arguments of his adversary; and omit those which might militate against his own cause, and with ingenuity to supply those in which it was really deficient: In short, he had employed, on the present occasion, all those arts which were best calculated to inflame the minds, and mislead the reason of his hearers. Humanity had been the topic much dwelt upon by the Right Hon. Gentleman, and he had displayed so much wit and humour on the subject, that, from the levity with which he had at all times, when an opportunity presented itself, spoken of the murders, massacres, guillotines, and deplorable calamities of France, he might be considered as an instance of the total want of that amiable virtue, were it not a fact well known, that no man possessed a disposition more inclined to feel for the various sufferings of mankind. That night, however, the Right Hon. Gentleman could not, as he had done on a former occasion, say that he smiled in indignation, and the bitterness of soul, at the reflection and consideration of these enormities; for his whole speech was replete with jokes, and wit, and pleasantry, on those calamitous events which disgraced human nature, and excited the pity and indignation of mankind. As to the enormities committed by that distracted and infatuated people, it was by no means his intention to palliate in the smallest degree, or offer any kind of apology for them; because he considered them as having exceeded every limit of palliation or excuse; but it might be at the same time worth while to inquire how far these enormities were to be attributed to the people themselves, and how far to the ancient government. If the war had not produced the present ferocity and savage manners of these people, to what cause then were they to be attributed? It could not be soil or the climate that produced these dreadful effects. Certainly not. Government was the school which formed and moulded the characters of men: If they were atheists at present, it was because they were accustomed to see the clergy, and

and the higher orders of society, live in open contempt and disregard of religion. Had they less respect for property, and the stability of the laws, than other people? It was because they had been used to see property yield to power, and had been educated under a despotism where every thing depended on the will of the prince, and laws submitted to the corrupt perversion of the magistrate. Were they murderers, and eager to spill human blood? It was because they had been used to see the life of man made light of, and the human form disrespected and disregarded.

The Hon. Gentleman had said, that it was a strong presumption against any people, when we saw the nations of the earth uniting as it were with one accord against them, that the cause in which that people are embarked was a bad cause, and can never be the cause of liberty. This position might be very true, nor was it his design to contend against it; but he would say, that it was also a strong presumption against any form of government, which chanced to be subverted by any sudden revolution, when the people who lived, and were educated, who formed their manners, and their minds, under that government, were found, the moment their bands are broken, and the restraints of the laws removed, committing every species of violence, of murder, and of devastation, that the government itself must have been a bad one; for it was wholly impossible, that the mere circumstances of the sudden subversion of their government could instruct a people in a moment, and make them adepts in all manner of vice; the seeds of that vice must have been sown before; the example of their rulers nourished them, and the removal of restraint caused them to bring forth abundantly. It was not the nature of man to plunge at once into great vices, and to dismiss suddenly the natural feelings of humanity. *Nemo fuit repente turpissimus*: The progress of vice, as well as of virtue, was gradual. So that were he to see a people who, immediately upon the subversion of their former government, inclined to virtue; if he saw them respect and protect the property of others; if he saw them tender of the lives of their fellow-creatures; if he saw them observant of the laws of nations, and shewing a desire to preserve peace and friendship with their neighbours; he should be desirous of the re-establishment of their former government, because he should conclude, that the government which produced people so virtuous must be a good one: But if, on the other hand, he saw a people, who, upon the subversion of their former government, immediately plunged into every vice which could degrade human nature; if he saw them violate all property; if he saw them spill, without pity or remorse, the blood of their

fellow-creatures; if he saw them disregard all those laws of society which tended to the security and well-being of man; he immediately concluded, that the government which could produce such monsters must have been essentially bad, and should therefore disapprove of its restitution.

The Right Hon. Gentleman (Mr. Sheridan said) had talked of the security and happiness enjoyed by all ranks of people under the ancient government of France; he told the House, that then every man enjoyed himself peaceably under the shade of his own vine and his own fig-tree; surely he could not be serious in that assertion, or he must have lost all remembrance of what the ancient government of France was; where neither the property nor the life of the subject could be truly said to be secure for one single moment, being subject to the uncontrolled will of the prince. He had been also lavish in his praise of the administration of justice, when it was notorious, that their courts of justice were infamous for their corruption and perversion of right. As to the higher orders of society, which he had so much lamented, their virtues were by no means exalted. Their nobility and clergy, at least those of superior rank, were professed Atheists or Deists; and there was not a single man in the whole country, who affected a knowledge of the world, or had any pretensions even to common sense, that would not have considered the eulogiums made in that House on their religion and piety, rather an insult to their understanding than a compliment to their virtue. Hence sprung those atheistical principles, hence springs this extreme depravity, of which we with so much justice complain.

It was certainly unpleasant, considering the present situation of many of these classes of men, to refer to such circumstances, however notorious they might be; nor was it from inclination that he did so; but that the serious importance of the subject demanded that truth should be spoken. The Hon. Gentleman had said, that they were wild beasts before we had attacked them; and from their being so, had arisen the necessity and expediency of that measure. Were they, previous to the attack of the two most powerful of the combined powers, Austria and Prussia, those wild beasts the Right Hon. Gentleman had described? If so, and that fact rendered war expedient and necessary, why did we not then attack them? Why did we at that period rather boast our neutrality towards them, and express a desire to conciliate their friendship and alliance? [*Here there was a cry of No, No, from the Treasury Bench.*] We had endeavoured to conciliate them so far as to preserve peace with them, or at least we now pretended that we did so.

A wish

A wish had been expressed for a powerful army to break through the crust of the iron frontier of France, and to make the emigrants the point of a wedge to split their power: This would be certainly placing those Gentlemen in the post of danger; but there was no doubt but the high sense of honour would make them anxious to fill this honourable station. Supposing even that we could raise a powerful army of those men, consisting of two or three hundred thousand, to be applied according to the idea of the Right Hon. Gentleman, could we be certain of success from the measure? For, notwithstanding the sanguine hope of the Secretary of State, that, if once such an army could be raised, it would maintain itself, and force its own way, it was probable it would not be found so easy a matter to effect; the chance was, that it would only induce the people to rise in larger bodies, and to form a more considerable and powerful mass, to resist the progress of their invaders; and the circumstances which had occurred in La Vendée went to confirm that opinion; it being a well-known fact, that the number of men in actual rebellion at one time in that department amounted to 200,000; but these the Convention found means to overpower; and they were not able afterwards either to force their way, or maintain themselves. The events which had happened at Toulon also favoured that opinion; for there, though the people of the country were such enemies to the ruling powers in France, that they put that great and powerful city into our possession, yet we were unable to maintain our ground, and were compelled to relinquish our acquisition; nor, though aided by the favour of the inhabitants, and surrounding people, were able to effect that object which it was at present said might be so easily attained.

Mr. Sheridan wished to call to the Right Hon. Gentleman's recollection (though he was convinced that his memory was wholly unimpaired, except where forgetfulness might be convenient), that in the case of America it was said, that the majority of the people of that country were averse to the ruling power, and that they wanted nothing but encouragement to induce them to declare themselves in our favour; that, however, proved a vain and delusive hope; and such, he feared, would be the event of the present measure, and the expectations held out to the Public on that occasion.

The small word (*Yes*) which the Right Hon. Gentleman affected to treat with so much levity, and upon which he had unnecessarily exercised so much wit and humour, because, as applied to him, it was a word of the most serious and alarming nature, as it went to convey his approbation of, nay, even to recommend a system of retaliation, a system by no means a
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proper subject of mirth and pleasantry, was not to be estimated by its size, but by its effect; and this little monosyllable, *Nes*, was one of the most powerful he knew. From the mouth of a Nero, or a Caligula, it could decide the fate of millions. But, after all the Right Hon. Gentleman had said on the subject, it was impossible to say whether the system was to be adopted or not. In one part of his speech he said, if he had the ear of his sovereign, or the ears of the combined powers, he would not hesitate to recommend them not to suffer any person, employed in their service, to be put to death, which they were able to prevent; and in another part he beseeched God that this system might not take place. What did the Right Hon. Gentleman mean, that it should, or it should not, be adopted? That it would, or would not, take place? Though it might not be necessary to inform an individual as to which was the fact, yet it was necessary to inform those persons that were to be employed under this Bill; for it was no more than justice that they should be acquainted with the terms upon which they were to be employed, and the magnitude of the danger which they were to encounter: And he hoped that some one, who knew what the intention of Government was upon this subject, would deign to give the House some information upon it. A Noble Lord (Mulgrave) high, and deservedly so, in the service of his Majesty, and, he supposed, enjoying the confidence of his Majesty's ministers, had declared it his opinion, that the system of retaliation was to be adopted; and it was probable that the Noble Lord had not ventured to say so without the approbation of those with whom he acted; yet nevertheless he must say, he wished for an explicit declaration upon the subject, because it was in his mind of such importance that it should not be left in doubt. The savage nature of the French, their ferocity, and unexampled cruelty, had been expatiated on much at large. He believed that, with regard to their treatment of their prisoners, they acted upon very humane and honourable principles: He wished to know from the Noble Lord if that was not the fact. [*His Lordship nodded assent.*] With respect to the doctrine of retaliation in its practice, the Right Hon. Gentleman (Mr. Burke) had quoted a variety of precedents to shew, that in situations similar to that in which the emigrants would be placed by the present Bill, it had not taken place; and that those alarming consequences, so much apprehended, and with much reason, had not followed. In no one of these precedents, however, had he been successful; because, unfortunately for his argument, not one of them applied, or bore any similarity to the present case. The first was the case of
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some Irish regiments in the French service, taken in the rebellion of 1745, in arms against Great Britain, and the English did not put them to death, though employed against them in so vile a cause. True, the fact was so; but it must be remembered, at the same time, that it was in the year 1688, at the time of the Revolution, that those troops entered into the service of France, and in the year 1745, a period of 57 years from the time of their entering into the French service had elapsed, when some of these troops were taken: So that it was not very probable that many of those Irishmen who actually entered into the service of Louis XIV. returned to invade England in 1745. But even in this precedent he had made an exception of some few, who were engaged in a plot to subvert the government of this country, who were punished; which would be precisely the situation of the emigrants to be employed under the authority of the present Bill; their avowed intention being the subversion of the present existing government of France. His next precedent was the honourable treatment that Lord Ligonier received, who, born a subject of France, had been taken in arms against Louis XIV. What was the fact? In the year 1682, the family of his Lordship, amongst many other French refugees, fled their country in consequence of the revocation of the edict of Nantz; which, by the way, was an act exceeding in cruelty and enormity all that has been done even by the French, driving at once no less than 500,000 people from their property and their country, and reducing them to the dreadful situation of throwing themselves on the protection of a foreign nation. In the year 1747 his Lordship was taken prisoner in the pay of this country, and in arms against his own, a period no less than 65 years distant from the time his family left France; so that the probability was, that either his Lordship was not born at the time, or at most could have been but a child in arms. Therefore these two precedents went not at all to the support of the position maintained by the Right Hon. Gentleman; and, as far as they did go, they made directly against it.

It was, Mr. Sheridan said, a matter of some curiosity to observe how the House and the country had been led by degrees into the present pernicious and destructive war. At first we were told that its object was to repel an aggression on the part of France, to protect our ally, and obtain security in future: But now the real object was avowed to be, what it always was, however concealed or denied, the restoration of the old government of France. It was well, at all events, that the object was declared; as they should be able to form some sort of

of judgment what circumstances would, or would not, conduce to peace. Those frantic, furious, murderous dispositions, which the French had betrayed, were not shewn, according to the Hon. Gentleman's argument, when all Europe united against Louis XIV. nor by the Venetians, when the league of Cambray was formed against them: And for this plain and obvious reason; when Europe formed a combination against Louis XIV. to restrain his power, and check his ambitious pursuits, they professed no intention to destroy him or his government, nor did they entertain any such design: Nor did they seriously wish to subvert the established form of government of Venice: In the case of the French, the open and avowed object was the total subversion of that government, which they have themselves formed, and the destruction of those who have in their hands the ruling power.

In the early part of his speech, said Mr. Sheridan, the Right Hon. Gentleman treated with much levity the humanity professed by his Right Hon. Friend towards the emigrants, and sarcastically quoted the reply of a four Lacedemonian, to one who was prodigal of his praises of Hercules: "Who blames Hercules?" In fact, that Hon. Gentleman himself scarcely ever touched upon the subject of French affairs, that he did not launch forth in praise of that amiable quality; though, perhaps, he had lately given a strong proof with what little reason he made any such reference. He said, "We afford compassion to the emigrants, we sympathize with them, but we will not do any act to restore them. Our humanity is great in profession, but small in practice." The Hon. Gentleman seemed entirely to have mistaken the application of the principle of humanity to these unfortunate men; in his comprehension it was this; not to hold out a promise of protection, which we might not after be able to afford them, and thereby render their situation more desperate, and their misery more intolerable. He would call to the Right Hon. Gentleman's recollection, the protection promised to the insurgents in La Vendée, which we had never had it in our power to grant. He desired he might recollect the protection we afforded to the inhabitants of Toulon, whom, after inducing to shake off their allegiance to their own government, and to surrender their town and its stores into our possession, we were obliged to desert in the night, and leave to the vengeance of their enemies. If it were necessary, he would also refresh the Right Hon. Gentleman's memory on the subject of holding out protection to the loyalists in America; against that principle he both wrote and spoke with infinite ability; he then saw the dangerous

gerous and pernicious tendency of such a measure; he predicted the consequences that would ensue, and the event verified that prediction.

Another Right Hon. Gentleman (Mr. Dundas) had said, that the question he found the most difficult to answer on this subject was, why it was not adopted before? He would supply him with an answer; because the object of the war was not avowed before, because it had not before been explicitly declared that the object was the subversion of the French government. Perhaps the present might seem a more convenient season for its adoption, when the insurgents in La Vendée were suppressed: Or now, perhaps, the French, having witnessed how well we kept our faith with the Toulonese, would therefore readily flock to our standard, and have a stronger reliance, and more firm hope of security, from our promise of protection. That Right Hon. Gentleman, speaking of the humanity, mildness, and moderation of the Scotch criminal laws, when compared to the criminal code of this country, asked which was the greater crime, to steal a cheese from a window, either from the frailty of nature, or from necessity and distress, or that of exciting sedition, infusing discontent amongst his Majesty's subjects against the government and constitution, with a design to subvert them? In this instance the Hon. Gentleman had done what he was much inclined to do; he assumed as a ground what was not fact, and then reasoned from that ground assumed; for the persons to whom he alluded, far from being found guilty, or convicted of the crime which he imputed to them, had never even been charged with any such offence.

With regard to the operation and effect the Bill would have, if passed in its present form, and with all the clauses which it now contained, he begged leave to call the attention of the House to those points, before they gave it their final sanction. If the Bill were passed as it then stood, he contended that the House of Commons would no longer preserve its existence and independence as a House of Commons; because, by this Bill, it would abandon those two first principles upon which depended the power and the authority of that House. It would by this Bill surrender that powerful check upon the Crown, the annual opportunity of disbanding the army; and it would surrender the guardianship of the public purse. Should we not have reason to console ourselves, when we returned to our constituents, and told them how nobly we had acted; and would they not have reason to approve our conduct? "You vested in us," they might say, "the opportunity of annually checking the dangerous power of the executive branch of the constitution,"

tion, by disbanding its military force; and we have surrendered that opportunity into the hands of the Crown, for a time limited only by its will. You appointed us the guardians of the public purse against the profusion of Government; we have resigned that important trust; and your money, to an unlimited amount, may be expended by the Crown." Could our constituents fail to applaud our fidelity? If this Bill passed in its present form, so great a power of money and of men would be thereby put into the hands of Government, that the King need not, if he pleased, in the next year call any Parliament, if he should think it proper. He knew this might be thought an extreme case, when the virtues, the integrity, and the regard for the constitution, which his Majesty's present advisers were known so eminently to possess, were taken into consideration. It might be said, that though these troops were to be employed during the war, yet, if any improper use were made of that power, we might shew our disapprobation when the estimates of their expence came to be laid before the House: But what was to be considered an improper use of this power? The number was only limited by the pleasure of the Crown; and that House, by the Bill, pledged itself to pay the expence; nor could we hereafter, consistent with the honour of the House, refuse; and it would, in case any person was to propose such a thing, be urged as a strong, and, he must say, a fair argument against the proposition. Mr. Sheridan intreated that the Right Hon. Gentleman would consider the importance of this Bill, and the dangerous effect it would have on the constitution, and consent to the introduction of a clause which he should propose for limiting its duration to one year. [*The SPEAKER informed Mr. Sheridan, that the Bill having been read a third time, and the question being now, "That this Bill do pass," no clause could be introduced.*] He hoped then, the Right Hon. Gentleman would bring in a short Bill to that effect; for he must very well know that limiting the duration of this Bill to a single year could by no means impede the success of his object.

Lord Mulgrave said, that having been so particularly called upon by the Hon. Gentleman who spoke last, he could not sit silent, and the occasion must apologize for his entering at all into the debate that night. In answer to that Hon. Gentleman he was obliged to say, that though he usually agreed with his Right Hon. Friends near him, he certainly was not in their confidence with respect to what had been done at Toulon; what he had done there was merely what he conceived his duty dictated to him, and what he had said since his return, did not proceed from any particular confidence reposed in him, by his

his Right Hon. Friend, or those who had brought forward the discussion of that subject. He repeated what he had said on a former day respecting retaliation. With regard to what had been said of the affair at Toulon, as an experiment, the success of which, or disappointment attending the evacuation of it, he did not consider to be of so much consequence on the future operations of the war, as the Hon. Gentleman had stated it to be; but he begged leave to decline saying any thing about the plan or execution of that business. While he had the command of the British troops there, and the French who voluntarily flocked to their standard under the authority and invitation of his Majesty's proclamation, he had always considered the latter entitled in every respect to the same protection from him as the British troops could expect, or had a right to claim. When Toulon was surrendered to the British forces, the people there were then divided into two parties, those who acted under the authority of the Convention, and existing power in Paris, and the other consisted of those who desired the restoration of the Constitution of 1789, and, above all, were decidedly zealous for the restoration of monarchy of some sort or other. They were nearly equal in power and numbers, and had a sufficient force been there to aid the latter, he believed the experiment, as it had been called, would not have failed of success; it was, however, to be recollected that the force of the French was daily increasing to a much greater degree. He would not say that the French army acting against Toulon were united in their sentiments; he believed it to be otherwise, and had reason to entertain that opinion from the number of deserters who came in; many of these were merchants, and other people of some consideration; and when they stated that a spirit of revolt existed in the French army, it became natural to ask them, "If that is the case, why do you not act with more energy? Why do not those who are dissatisfied unite in a body and come over to us at once, either in the night-time or any way they find it practicable?" The answer was, that they were so guarded and watched by spies, that the two nearest neighbours who had been on terms of intimacy and friendship all their lives, had no opportunity of communicating their sentiments to one another, not from any suspicions entertained of disaffection to the common cause, but from a fear that there might be a want of firmness and steadiness in their conduct. With regard to the evacuation of Toulon, it was not for him, whatever knowledge he might possess on the subject, to offer any vindication for those who had the conduct of that measure; by presuming to interfere in their behalf, unintentionally he

might injure their cause, and detract from their merit: He could have wished that no harsh expressions had been used respecting it, particularly till those who were most concerned were present to account for their conduct; and he was sure the Hon. Gentleman would be as much hurt as any man could be, were he to use any such expressions, and afterwards find that they were not merited. Recurring to the subject of retaliation, he was not afraid of any bad consequence arising from what he had stated his opinions to be, and he certainly never meant to say, that retaliation was to be used by soldiers without the express command of their officer. With respect to the conduct of the French towards the prisoners they had taken, he agreed with the Hon. Gentleman, for he never had heard that any of them had been ill used; at the same time he should be sorry indeed if the conduct of the British, upon a comparison, had not far surpassed, in humanity and generosity, any thing that the French or any other nation could boast of; and that he was warranted in this assertion it was only necessary for him to state one instance, to which he begged leave to call the particular attention of the House. When they attacked that place, which the officer who commanded had done him the honour to give his name to (Fort Mulgrave), the French had determined to give no quarter, and had acted up to that cruel and barbarous determination: What was the conduct of the British soldiers almost immediately after? A contrast that proved the generosity of their national character, and would ever reflect upon them immortal honour. They were sent to attack a place of strength in Corsica; animated and incensed by what had happened at Fort Mulgrave, they were determined to give no quarter, and with this sentiment went to the attack; the place was vigorously defended, but at last fell to the victorious arms of the British soldiers. No sooner were they conquerors than the premeditated revenge was converted into pity for the vanquished, and instead of giving no quarter, they not only refrained from ill using their persons themselves, but prevented the Corsicans, who were enraged by their conduct, from ill using them, and absolutely were seen knocking down their allies to prevent what they generously thought was savage and unmanly conduct—an instance of moderation, generosity, and of magnanimity, that had seldom or never been equalled either in ancient or modern times. The Noble Lord not wishing to go into the other parts of the Bill, concluded with a few remarks upon what had fallen from Mr. Sheridan, respecting the duration of the Bill, which he thought could have no effect upon the enlisting of the emigrants; for though the Mutiny Bill was passed annually, yet all soldiers

were

were enlisted for life, and not during the war, or for any specified time.

Mr. Secretary Dundas rose to explain; he wished to avoid every thing like a disagreement with the Noble Lord. Upon the subject of retaliation, what he had meant was, and he believed the Noble Lord would agree with him, that retaliation on all occasions was to be used only as a discretionary power under the controul of those who commanded, and he was fully convinced the Noble Lord would in no situation of service abuse that power.

Mr. William Smith said that he must say a few words in animadversion on some assertions that had fallen in the course of the debate. The aspersions on France, on the score of irreligion, would seem as if, under the ancient system, they had been a pious and moral people. He begged leave to tell a short anecdote, for the truth of which he could pledge himself.—In the house of a Nobleman in France, where a number of dignitaries of the church were present, religion was brought on the table, and it turned out that a more unfavourable dish could not have been brought to the table; for the Bishops to a man made it an object of ridicule, and a single Englishman who happened to be present, alone spoke with respect of the Gospel. The Irish chaplain of a Peer who was also present, advanced and embraced him, and assured him with tears in his eyes, that he was the only Christian in company. Of the courts of law under the old system in France, the profligacy and corruption were so notorious, as to make it unnecessary for him to say a word: Nothing could be more deplorable nor more oppressive. The Right Hon. Gentleman (Mr. Burke) had said that the great majority of the people under all governments were *comparatively miserable*. In his mind this was a most shocking thing to say of human governments. It was to say, that they were all inadequate to their end;—but he trusted it was not true of all. There were some governments, at least, in which there was much positive happiness. The people of Holland, where the population was infinitely greater than that of France, had the comforts of life.—The people of France under the old government wanted even the necessaries. In regard to the present Bill, he had suspected that he was guilty of exaggeration when he said that 100,000 men might be brought into the pay of this country—no such thing as exaggeration!—he found that there might be even 500,000 men in our pay, and this without any other limit than the duration of the war.

The question for the third reading of the Bill was put, and passed in the affirmative. The Bill was read a third time, and passed.

The House sat a considerable time after strangers were excluded. We understand that Mr. Burke brought up the Report of the Committee appointed to inspect the Journals of the House of Lords respecting the progress of the impeachment of Warren Hastings, Esq.—A motion was made that the Report be printed, upon which a debate arose. *The Master of the Rolls* and *Mr. Law* opposed the printing—the *Chancellor of the Exchequer*, *Mr. Fox*, *Mr. Secretary Dundas*, *Mr. Sheridan*, and others, were for it; the motion was at last agreed to, and a sufficient number of copies for the use of the Members ordered to be printed.

Adjourned at one o'clock till Monday se'nnight.

HOUSE OF LORDS.

MONDAY, April 28.

PRUSSIAN TREATY.

Lord Grenville presented a Message from his Majesty, relative to the treaty entered into between the King of Prussia, the States General of Holland, and Great Britain, and moved, that the House should be summoned to take the same into consideration on Wednesday the 30th.

Mr. Hobart, and others, brought up several Bills from the Commons, which were read a first time.

HOWARD'S DIVORCE BILL.

Their Lordships resolved themselves into a Committee upon this Bill (*Lord Suffolk* in the Chair).

A Clause was introduced and agreed to, by which any child born of Lady Elizabeth Howard after the first of May 1794, was declared incapable of inheriting the estates of Mr. Howard.

The other Clauses were agreed to, and the Report ordered to be received.

VOLUNTEER BILL.

The Chancellor of the Exchequer brought up from the Commons the Bill to enable Volunteers to enter into his Majesty's Service for the internal Defence of the Kingdom. It was read a first time.

Adjourned.

HOUSE OF COMMONS.

MONDAY, April 28.

The Scotch Tobacco Duty Regulation, Swansea Canal, Tewkesbury Road, and Houghton Inclosure Bills, were read a third time, and passed.

A Petition from the Lord Mayor, &c. of London, relative to the Watermen's Regulating Bill, was presented, and referred to the Committee on the Bill.

The Speaker issued his Warrant to the Clerk of the Crown, for a new Writ to be directed to the City of Bath, for the Election of a Citizen to serve in Parliament in the room of of the *Right Hon. Lord Bayham*, now Earl Camden, called up to the House of Peers.

KING'S MESSAGE.

Mr. Secretary Dundas brought up a Message from the King, the substance of which was as follows: "That his Majesty had ordered a Copy of a Treaty, signed on the 18th of this Month at the Hague, by the Plenipotentiaries of his Britannic Majesty and those of the States General on the one hand, and by the Plenipotentiaries of the King of Prussia on the other; and likewise of a Convention between his Majesty's Ministers, and the States General, to be laid before the House. And his Majesty, always relying on the support of his faithful Commons for the vigorous prosecution of the war, recommended it to the House to make such provision as to enable his Majesty to fulfil his engagements, as well as to defray any extraordinary expence which might be incurred, and to take such measures as the exigency of the moment might require.

Mr. Dundas moved, "That this Message might be referred to a Committee of the whole House on Wednesday the 30th."

Mr. Curwen said, it would be important for the House to be full on the discussion of this subject, and therefore he wished for a Call of the House. He intimated that he should bring forward a motion for the Call of the House before this business should be discussed.

Mr. Fox thought the ensuing Wednesday much too early a day for the discussion of this business. It would be impossible before that time for the House to be acquainted with the papers to which the Message referred. It was necessary, above all, that the House should, for some time previous to the discussion of the subject, know something of the extent of the engagements to which the Message referred: For these reasons he

he should move that Monday, the 5th of May, be appointed instead of Wednesday.

The Chancellor of the Exchequer observed, that the House had been sometime ago previously informed, that something of this nature was to come under their consideration, and therefore no person could be surprised by it, for the point was not in fact new. With regard to the Call of the House, he did not believe it would be necessary on this occasion. He saw no reason for the proposed delay at present.

Mr. Sheridan said, the necessity for the Call of the House might appear when the subject came under discussion. What he chiefly wanted at present to know, was the *quantum* of subsidy to be given to the King of Prussia, and this could hardly be known by the House within the time limited for the discussion, unless the minister gave the substance of the engagements of the Treaty then, for they could hardly be in the hands of the Members by Wednesday.

The Chancellor of the Exchequer said, it would be much more regular for the House to peruse the papers themselves, which would be ready that night, or the next morning, than to take the outlines of their contents from any statement from him.

Mr. Secretary Dundas then brought up Copies of the Treaties alluded to in the King's Message, the titles of which were read: They were dated at the Hague, 19th of April 1794.

Mr. Sheridan said, that if the minister did not chuse to state the substance of the Treaties, he should move that the whole of them should be read; the minister should judge whether it was worth his while to save the time of the House or not.

The Chancellor of the Exchequer said, he had no objection to state the account of his Majesty's engagement on the part of this country, with his Majesty the King of Prussia. The King of Prussia engaged to bring into the field in all 62,000 men, or a little more, to be employed according to military regulations. This number included his Prussian Majesty's contingent, which he was to supply towards the war, without this subsidizing treaty; that contingent amounted to about 30,000. The consideration for this was, that the King of Prussia was to receive 50,000*l.* sterling per month; besides which he was to receive for forage, &c. for 62,000 men, 100,000*l.* per month, &c. the sum of 300,000*l.* on putting his troops in motion, and 100,000*l.* on their return; so that the whole expence on this country would amount for one year, under this treaty, to 1,800,000*l.*

1,800,000*l.* or thereabouts; and for the remaining part of the present year, supposing the war to continue to that period, the expence would be about 1,350,000*l.* Of this sum the States General were to repay to Great Britain the sum of 400,000*l.*

TESTS.

Mr. Sheridan said, that, on account of the unavoidable absence of some Gentlemen who wished to take a share in the discussion, he should postpone the motion he gave notice of making the next day, relative to Tests to be given to Catholics: He should make it the first open day.

ELECTION BILL.

On reading the Order of the Day, for the recommitment of the Bill for further preventing delays at the Election of Members to serve in Parliament,

Mr. Fox pointed out the impropriety of continuing to administer, on such occasions, the oath which was called the *long oath*: He therefore moved that it should be left out, which was agreed to; and it passed through the usual form, and the Report was ordered to be received.

ABERDEEN POLICE BILL.

Mr. Sheridan moved for the remaining Orders of the Day being read; on which the order for Counsel to be heard on the Report of the Aberdeen Police Bill was read by the Clerk.

Mr. Sheridan said, if Gentlemen had given that attention to this case which it merited, it would appear to be one of the most daring measures, that ever was brought forward in Parliament. It was contrary to the opinions and feelings of many thousands, who were to be affected by it; and it appeared totally unnecessary; for there were funds in the management of the Town Council ample and abundant for every purpose proposed by the Bill. He could not conceive it proper, therefore, that a business of such deep importance, and affecting the interests of so many thousands, should be brought forward in so thin a House.

Sir Thomas Dundas said, the case was one of a very extraordinary nature indeed. There were ample funds for every purpose required; and the Town Council of Aberdeen, in possession of these funds, ought certainly to have furnished from the public revenue of the Burgh, long ere now, those very articles for which they now demanded a tax from the inhabitants by authority of Parliament.

Mr. Allardyce contended for the propriety of the Bill; and said, if such opposition was given to it, he would move to

have the Order of the House, for being heard by Counsel, discharged.

Colonel Macleod said, the business appeared to him to be of too deep importance to be brought forward in a thin House. He imagined the number present was not such as to justify proceeding in it, conformable to the rules of the House; and there being only twenty-one Members present, the House of necessity separated.

HOUSE OF LORDS.

TUESDAY, April 29.

HOWARD'S DIVORCE BILL.

The Bill, with several Amendments, was reported, and, on the *Duke of Norfolk's* moving that it be read a third time,

The Duke of Bedford, after stating that this was a case entitled to extraordinary indulgence on the part of the lady, and well known to their Lordships, moved as an Amendment, that the sum of 7000*l.* should be paid to Lady Bellafyse; and if this was carried, he meant to propose a further provision for the Lady.

The Duke of Norfolk thought this a severe tax on the party injured, but he had no objection to it, provided Mr. Howard was to be reimbursed for the expences of the trial, and other debts incurred by Lady Bellafyse.

The Duke of Bedford objected to this, as it would, in fact, swallow up the whole of the provision to which this Amendment went.

After a desultory conversation, the question was put :

Contents, for the Duke of Bedford's motion, 15

Non-Contents - - - - - 3

The Duke of Bedford proposed that an annuity of 250*l.* per annum should be allowed to the lady, during the joint lives of her and Mr. Howard, which he calculated to be worth about 2000*l.* or 2300*l.* and this, added to the 7000*l.* would leave to Mr. Howard 2700*l.* out of the 12,000*l.* he received as the Lady's fortune, towards defraying the expences of the trial, &c.

The Duke of Norfolk divided the House on this question, when there appeared,

For the motion	15
Against it	3

Majority 12

Adjourned.

HOUSE

HOUSE OF COMMONS.

TUESDAY, *April 29.*

The Sunday Bill was read a third time, and passed.

Agreed to the Lords Amendments in the Ashby-de-la-Zouch Canal Bill.

TRIAL OF MR. HASTINGS.

Mr. Burke adverted to some alterations which it would be necessary to make in the Report of the Committee appointed to inquire into the causes of the delay of the trial of *Mr. Hastings*, and moved that the order for printing the Report be discharged; which (after several observations were made by *Mr. Law*, some of which were against the delay, as he conceived, occasioned by the Managers, and a few words from the Chair, on the point of order) was agreed to.

Mr. Burke then moved that the Report be recommitted.

This motion was opposed by *Mr. Law*, *Mr. Cox*, *Mr. Jenkinson*, and others, and supported by the *Chancellor of the Exchequer*, *Mr. Francis*, and *Mr. Sheridan*.

The House divided,

<i>For the motion</i>	52
<i>Against it</i>	20

Majority 32

PRUSSIAN SUBSIDY.

Mr. Curwen called the attention of the House to the proposition of which he had given notice, and should have the honour to make; the magnitude of the subject was such, he said, as demanded serious consideration, and should not be hurried forward in an extraordinary manner. It was incumbent on the House to give it that discussion which so important a question seemed to require, and not to delegate their duties into the hands of ministers, and, by an unbounded confidence, permit them to be the sole judges of what expences were necessary, and what were fit and proper objects of expence. This conduct he never wished to see put in practice: His sole object at the present, *Mr. Curwen* said, was to obtain, if possible, the cool and dispassionate judgment of the country upon the subject of the treaty with Prussia, and its effect.—Heretofore, the country had been led by passion and prejudice; the conduct of ministers had tended to raise a ferment in the nation, and, under cover of that ferment and agitation, to introduce measures to which the better reason of the people, exercised in their cooler moments, would never have given their consent; they still endeavoured to keep up this ferment, and prevent, if possible, the exercise of cool reason, and unimpassioned judgment,

ment. The sum of money to be paid to Prussia on the present occasion was not the great point to be considered; the change of the object of the war and the principles on which we in future were to contend, were matters of more serious and alarming consideration. Though our expences were become enormous, we had already voted the immense sum of eleven millions; the amount of the present subsidy was 1,800,000l.; by the French Emigrant Corps Bill we had given a sort of general credit, which might be fairly calculated at two millions, and the vote of credit for two millions, made in the whole six millions, to be added in the present year to the former enormous loan. If we continued to go on in this way, placing an unlimited confidence in ministers, suffering them to incur expence without inquiry, it was impossible to say what would be the event; and upon this principle of acting, incurring unexpected and unforeseen expences, the present war must be more ruinous than even the unfortunate American war; for the enormity of the burden to be imposed never fairly met the public eye, but was by degrees accumulated till it would finally become insupportable. The now generally avowed object of the war was, for the purpose of interfering in the internal government of France. Mr. Curwen said, he sincerely deprecated wars of every description, but a war for such an object as that above all others; and he was fully convinced, that if the country had known at first that such were the principles upon which we were to fight, that they never would have engaged in so disgraceful a contest. That matters of such serious importance might receive a fair and ample consideration, that the whole body of the Representatives of the People might be present, many of whom could know nothing of these proceedings, and who it was impossible could have been in town to attend their duty time enough, from the notice which had been given of the subject, he only begged the short delay of one fortnight, which was not likely to very much impede the measures of the Right Hon. Gentleman. He admitted that he promised to give his unequivocal support to the war; but as its object was no longer what it was at first stated to be, he claimed a right of retraction, and declared that he should oppose the continuance of the war upon the principles and for the objects at present avowed, in every way which lay in his power. If the war continued to be what it was at first pretended to be, to resent an aggression, and obtain security for ourselves and our ally, Holland, and indemnity (though the latter part he should willingly forego, as he considered the blessings of peace would be the best indemnity for the country to have in its present situation), he should

should certainly feel himself bound to give his support to the war; but that was no longer the case. Had we, by our conduct, during this war, made ourselves a single friend? Had we not, on the contrary, by our treatment of America, and other neutral powers, made them our implacable enemies? Had not our conduct to those powers been an open and gross violation of every law of nations, and an eternal disgrace to the British name? Was it possible we could hope for success from the alliance we had made? The views of Prussia and Austria for entering into the war, were avowedly the re-establishment of the ancient government of France, and the destruction of the present ruling powers of that country; they would not even agree to the acceptance of the constitution of 1789. We went upon objects totally different: Where there was no unison, there could be no success; for what might satisfy us, would by no means content them. In the whole conduct of this business, Mr. Curwen said, he could not but admire the Right Hon. Gentleman's policy, though he sincerely regretted its effects, as it had involved us in a war in which the country would never have engaged, if it had been fairly represented to them, as likely to incur an expence which they would not submit to, if calculated fairly in the first instance. The Right Hon. Gentleman was the first minister who ever thought that great additional burdens were the most likely means to remove discontent; in that opinion, at least, he believed he was single. The object of the present motion was not intended to impede the operations of Government, but to draw the serious attention of the country to a subject which in his mind appeared to be of the utmost importance. The Hon. Gentleman, indeed, possessed one merit in this business; he had outstripped even rumour, in the magnitude of the expence which this measure was to cost; he had never heard those that calculated the most extravagantly, speak of more than 13 or 14,800,000*l.* and those who were more entitled to credit, their calculation being founded more in reason and moderation, spoke of only 700,000*l.* but it was to be 1,800,000*l.* The magnitude of this expence, unconnected with every other circumstance, deserved serious attention, and required that there should be some notice given of it. For these several reasons Mr. Curwen said, he moved that the House be called over to consider this subject that day fortnight.

[There was a cry of Question! Question!]

Mr. Sheridan said, it was not his intention to trouble the House much at length on the present subject. If it was possible that the Gentlemen on the other side would suffer the question to be put without explaining any cause of their dissent,

sent, or upon what grounds they so far disapproved of the present motion, as to think a Call of the House unnecessary, he did suppose that it was not their intention to oppose it, but that they meant to conform to the old proverb, "*silence gives consent*." If that should not be the case, he trusted that they would indulge the House, by stating the reasons upon which they objected to the motion.

General Smith said, that an explanation was unnecessary, as the matter fully explained itself; the treaty was entered into, and the money to be paid.

Mr. Whitbread said, he could not sufficiently express his disapprobation of the sullen silence observed on the present occasion, which, in his opinion, was one that demanded a few words at least, in explanation of the grounds upon which they intended to oppose the motion. On a former night, when he was not in that House, as he was informed, it was said that it was not a new subject, and that the House had several times an intimation of such a project being upon the carpet; for his part, though he attended his duty in that House very constantly, he knew nothing of the subject, nor had any intimation of it whatever; but, on the contrary, from the behaviour and conduct of the Right Hon. Gentleman, when questions were pressed upon him concerning it, he had every reason to believe that no such subsidy was intended. The conduct of ministers on the present occasion was, in his opinion, highly indecorous, insulting to the House, and insulting to the People, that when a question of such infinite importance was brought forward, they refused to grant time for due consideration, and also denied to assign any reason for such refusal. It was a thing impossible for them (*the Opposition*) to withstand the torrent, for that Right Hon. Gentleman (the Chancellor of the Exchequer) commanded the House as he pleased. [*A general cry of Order.*] *Mr. Whitbread* repeated his words.

Colonel Stanley said, that he could not sit still under the imputation of being, as a Member of that House, under the command of any man; and if the Hon. Member persisted in his words, he should move to have them taken down.

The SPEAKER. "The Right Hon. Gentleman must be convinced of the impropriety of the words he has used, if he spoke them as the House must have understood them, *viz.* that the Members of this House are under the command of any person whatever, or influenced in their conduct by any improper motives."

Mr. Whitbread resumed his speech and said, he bowed with submission to every thing which came from the Chair, the more especially when so ably and so impartially filled as it was

was at present. He had said, that it was impossible to withstand the torrent of opinions of Gentlemen on the other side of the House, which the Right Hon. Gentleman could command: Not by means of any improper influence, he did not pretend to say, but by the powers of persuasion. He conceived that he only had discharged his duty as a Member of that House, and a Representative of the People, by entering his protest against such indecent precipitation, in a matter of such importance. The House was called upon to assist the King of Prussia, and the success of that assistance was much to be doubted. That Prince mounted the throne of Prussia with a full treasury; he had exhausted that in the present war, and now called upon us to replenish it with British gold. Mr. Whitbread said, he confessed the resources of the country to be great; but though great, they were not inexhaustible; like every other human thing, they were finite; and though extensive they might be, as doubtless they were, yet, if we continued to pursue, in so lavish a manner, so destructive an object, they must inevitably fail. He beseeched Gentlemen to consider well the importance of the subject, and grant some short pause to the public mind for reflection.

Mr. Sheridan rose again. (*A cry of spoke! spoke!*) In answer to the cry, he said, he hoped Gentlemen would not be so strict as to prevent him from troubling them a very short time, on account of the few words he said before, which he was sure could not be considered as a speech, being merely a hint to the candour of the minister. It was not, Mr. Sheridan said, his intention to trouble them very long, and he therefore claimed their indulgence: And besides, as Gentlemen were determined to remain silent on the other side, they could the better tolerate a few observations from that. The expression which had fallen from his Hon. Friend (Mr. Whitbread) was not altogether orderly, he confessed; at the same time, he was certain no man knew better what Parliamentary *etiquette* was than he did. He was well convinced that no such thing as corrupt influence of any kind operated on the opinion of any Member of that House. It was by no means surprising, that when those great abilities which the Right Hon. Gentleman possessed in so eminent a degree, were exerted, in a florid oration, or a laborious argument, that the torrent of his eloquence should sweep away with it a large majority, and the more especially, as he never had reason, eloquence, or argument, to combat his powers. That his eloquence should be attended with such extraordinary effects was not surprising; but it was a matter of some wonder that his silence should operate almost as powerfully. For it was undeniable that his powers were not

not confined to the utterance of words merely, he had a dumb as well as oral eloquence, of which he had given a capital specimen that night, for he had convinced them all at once by his silence; it was but just putting it in motion, and instantly his friends became affected by the charm, and they all nodded dumb dissent to the motion like himself. This dumb eloquence certainly carried with it some ground of suspicion, that what had fallen unintentionally from his Hon. Friend was not wholly unfounded. [*Here a cry of Order.*] Really Gentlemen seemed so tenacious of order and decorum, Mr. Sheridan said, that there was a necessity for every circumspection; though he did not conceive he had uttered any thing disorderly. But was the minister quite sure that some might not misunderstand him? Perhaps they might understand his conduct according to the proverb, Silence gives consent, and under that idea might vote for the motion. These dumb votes might bring him into a dilemma, especially as he had yesterday declared that this motion should not be made, but should be deferred to that day. It was known how long and how well the Right Hon. Gentleman could declaim, he begged pardon,—argue, on any topic, without the least time to consider of his subject, but it was odd that he should have required so much time to prepare himself for holding his tongue. He did not think that it could be the Right Hon. Gentleman's intention to oppose the present question; for if he did divide the House upon it, he fancied that he would find himself but very thinly attended; and many of those independent Gentlemen who must feel the necessity of some explanation, and the propriety of time for a pause and consideration on a subject of such infinite importance, would not be convinced by his silence alone of the propriety of his conduct. It also seemed somewhat surprising that the example of his silence had such an universal influence upon all the Gentlemen on that side of the House, that not a single man of them would say one word, or condescend to assign any motive for the opinion he had formed; and the Right Hon. Gentleman himself, who was so forward to speak on the former night when his Hon. Friend (Mr. Curwen) proposed this call of the House, thought it prudent to be silent that night. In his opinion it required some time to consider the question, and he begged 24 hours. Did the Right Hon. Gentleman require 24 hours to study to say nothing, or to discover the propriety of treating the House with haughty silence? He hoped he was in order.

Sir George Yonge said, that when he called Order, he did not allude to any thing that the Hon. Member had said, but that he had at the moment heard a noise in the gallery.

Mr.

Mr. Sheridan begged the Hon. Baronet to remember, that he could not see or hear any person in the gallery, that it was quite empty, and no stranger could be there; and he was very happy that none of his constituents were present to observe the disgraceful conduct of the House that night, and that it was not therefore likely to be published to the world; as for his part, he should make it his study to prevent the shameful secret from transpiring as far as was in his power. By this treaty the object of the war appeared to be entirely changed: The King of Prussia, who, it had been stated by an Hon. Member, was engaged in a purely defensive war, no longer remains a principal in the war; he now merely hired some troops, and furnished others, in conformity with the terms of subsisting treaties between him and this country and Holland. We at present avowed ourselves engaged for the re-establishment of the monarchy of France; and the whole object being changed, he felt himself at liberty to withdraw his promised support; and had no difficulty in saying, that he should refuse it, except in the case of invasion, or such circumstances as called upon every man to stand forward in the defence of his country. He now repeated what he said at a former period, that any minister ought to be impeached, and lose his head, who should spill the blood of his countrymen, or expend the treasure of the nation, to restore the ancient despotism of France. We were likely also to have a new tie upon us for continuing in the war, as he understood from pretty good authority, that there was at that time a large loan negotiating for the Emperor in this country. With respect to the present treaty, it was worthy of notice, the regard the ministers of Holland pay their countrymen; they absolutely refuse to pledge them for more than a single year; whilst our ministers, on the other hand, consent on the part of England, to the payment of 1,800,000*l.* annually during the war, 400,000*l.* of which we are to get from the Dutch as well as we can. They have not felt it incumbent on them to pay any respect to the Commons of Great Britain, or to the wishes of their country, but have wantonly pledged us for the payment of a large sum of money, the whole of which will probably fall on us after the expiration of the first year. It is neither policy nor wisdom in the Right Hon. Gentleman, to treat with so much inattention the Commons, and by that means to render them insignificant in the eyes of the People, especially as he opposes every proposition made for a reform in the representation, and denies its necessity. The whole of his conduct, during the present session, had gone to render the Representation contemptible, and on no occasion more than the present. *Mr. Sheridan* said, he took that opportunity of

warning him of the bad consequence and impolicy of refusing discussion and explanation when called for, by the importance, the magnitude, and consequences of any subject. If he refused to discuss it there, the People would themselves discuss it elsewhere; and he could not condemn them if they did so.

Mr. M. Robinson spoke a few words.

Mr. Taylor said, the conduct of the Right Hon. Gentleman had on that night done what it was not accustomed to do, given him much satisfaction, because it would tend to open the eyes of the People, and undeceive them in some degree. Nothing could more effectually open their eyes than paying 1,800,000l in hard cash, and the minister refusing time to consider the propriety of it, without assigning a reason for so doing.

Mr. Francis expressed his sense of the improper and indecent conduct of ministers, and declared he felt himself no longer bound to support them in the prosecution of the war.

Mr. Curwen said, he thanked the Right Hon. Gentleman for his conduct, which he did not feel, as it was intended, a mark of disrespect to him, because the country, and the people at large, would judge whether the motion was, or was not, important enough to call for some sort of reply or explanation from ministers. The pleasing consciousness of having discharged his duty to himself and his country, was to him an abundant reward. He felt the magnitude and importance of the subject, and had endeavoured, as far as lay in his power, to call the public attention thereto.

Mr. Harrison expressed his disapprobation of the behaviour of ministers; and declared he felt himself, the object and principle of the war being altogether changed, freed from any promise he had given to support the war.

The question was then put, and the House divided,

<i>Ayes</i>	—	19
<i>Noes</i>	—	98
		—
	<i>Majority</i>	79

Adjourned.

HOUSE OF LORDS.

WEDNESDAY, *April 30.*

INSOLVENT DEBTORS.

Lord Abingdon. "I have in my hand a petition, which, circumstanced as the subject matter of it now is, it is with much satisfaction to myself that I rise to present it to the House.

Your

Your Lordships may recollect, that when this business was brought forward by a Noble Lord (who, employed in the service of his country, is not now in his place), although I then presented a petition similar to this from the debtors confined in the Oxford gaol, I spoke against the measure; and rested my objections to it on two grounds.

"The first ground was, that it was a case that required such an infinite degree of professional knowledge in the law to develop, that however much I might respect the abilities of the Noble Mover of the question, until I should see the Learned Lord on the woolsack, with the rest of the Law Lords of the House, calling for the assistance of the Judges, and all united in making so great an alteration in the laws and customs, nay, in the very constitution of the country, I could assent to no proceeding different in description from this. But what now is the case? It is, that the very proceeding which I then took the liberty of suggesting to your Lordships, and which I thought the nature of the case called for and required, is now, in every particular, carried into effect. That is, it is a proceeding (as we find by a Bill on your Lordships' table) adopted by the Learned Lord on the woolsack, said to be sanctioned by the other Law Lords of the House, and confirmed by the assistance had from the Judges of the land. It is that case, therefore, that my judgment and opinion must necessarily go along with and support.

"The other objection which I had to the measure was this: That the fault did not so much lie, and of course the remedy was not so much to be looked for, in the *law*, as with the *lawyers*; meaning to say now, as I did then, not with those who deserve this respectable name, but with those *licensed robbers*, those *legalized pickpockets*, the pettifogging *qui tam* attorneys of this country, who, in the malversation and perversion of the law, are its scandal and disgrace.

"And here too, my Lords, to my great gratification, do I find, that this other objection of mine is in some degree obviated, by being in the way at least of removal; the Legislature having, in their wisdom, thought fit, during the present session of Parliament, to take this matter into their consideration, and to bring these *common disturbers of the peace of mankind*, these *invaders of the liberty and property of the people*, and, in short, these *scourges of the country*, under their notice and eye. They have set a mark upon them; they have said,

"Hic niger est, hunc tu, Romane, caveto;"

and so far they have done well; but this is but the very beginning and outwork of the siege, that must be carried on

against a body of professional swindlers, so coated in the armoury, and intrenched up to the chin, as they are, in the crooked ways and defiles of the law; the law *must* become their *master*, and *not they* the masters of the law. And as, in the doing of this, my own situation (for "*experto crade Roberto*") brought forward by myself, and perhaps shortly too, may furnish, both in precept and example, the means, in order to the end of so much public utility; so, for the present, I shall here content myself only with moving that this petition be now presented."

Petition received.

COMPLAINTS AGAINST ONE OF THE MANAGERS ON MR. HASTINGS'S TRIAL.

Earl Stanhope, referring to a conversation that had taken place the day before, relative to some expressions used by Mr. Burke in the trial of Mr. Hastings, and which were by his Lordship supposed to convey a reflection upon the integrity of the Judges, said that he had since been reflecting a good deal with himself upon the subject; and, after full consideration, his Lordship declared he thought it his duty to submit to the House a motion on the subject. As a general proposition it could not be disputed to be of the utmost consequence in every country, that the characters of the Judges should be preserved pure and immaculate. If therefore the Court of Justiciary in Scotland, or if the Judges of this country, were accused of injustice or corruption, it was certainly proper that the charge should be fully investigated, that, if it was just, the Judges might be removed, or, if unjust, that the calumniators might be punished, and the characters of the Judges vindicated. The present case was so strong, that his Lordship chose to put it hypothetically. Suppose a person in a numerous assembly to have said that a branch of the Ganges had flowed into the Thames, and polluted the current of justice in this country, ought such words, if used by any person, still more by a Manager of the House of Commons in his public character, to pass unnoticed? If they did, the people must conclude either that the Judges of this country were corrupted, or that they might be calumniated with impunity; and in either case, their characters and dignity as Judges must be lessened in the eye of the Public. His Lordship concluded with moving, "That the short-hand writers employed at the Trial of Mr. Hastings be directed to attend at the Bar of the House to-morrow, and bring along with them the Minutes of the Proceedings of Tuesday the 29th instant."

The Earl of Caernarvon observed, that the proposition made by the Noble Earl was certainly in every way irregular, for he stated what he calls a supposed case, and desired an inquiry at your
Bar

Bar into its truth; he did not even charge the fact (which he supposes) to have really passed; but if any such words had given offence to the Noble Earl's lively sense of propriety and decency, he should have taken notice of them at the time when they were uttered; and when the Court were recently impressed with their effect, and they would have admitted a clear explanation. He is culpable, and the Court are culpable for having heard them (if they were uttered as stated) and remained indifferent at the moment; but that silence proves that the Noble Earl was mistaken, and that his subsequent reflection is not so correct as his instant apprehension: The Noble Earl, however, remembered perfectly words similar to those cited to have been used by the Hon. Manager, in a sense very different from that which the Noble Earl puts upon them; the Hon. Manager had cited the opinion of the Judges solemnly given in the Earl of Strafford's case; the counsel had treated that opinion as the result of fear, and added also, that, even if it had been law, it was antiquated law, which ought not to have weight in these times; that the Court of Parliament of this day should be decided by the modern practice of the courts of law, which they declared to be in opposition to that precedent: The Hon. Manager certainly had a right to suppose that the opinion of the twelve Judges in Lord Strafford's case was sound law, and that what was then sound law continued; the law now, as it had received no legislative change, no modern opinion of judges, had reprobated the opinion cited; he therefore used some words similar to those cited argumentatively against the reasoning of the counsel, and they do not convey the slightest charge against the Judges of this day, who have in fact given no opinion on the subject. He asked, how that, which was then law, had been altered when this charge had happened? He had just before observed, that Mr. Hastings's Counsel had, at the Bar of an English judicature, defended himself against imputed crimes, by claiming the sanction of Indian custom and Asiatic tyranny; that they now denied the durability of the recorded law of Parliament, and asserted some unheard-of change, and giving loose to his imagination he said words similar to those cited, *viz.* Has a branch of the Ganges come into the Thames, and polluted its ancient streams? The Noble Earl's notes may serve his memory: I am confident that the words were applied in the sense I have stated them; the course of the argument led to it; and nothing led to a possible censure of the present Judges: But the proceeding of the Noble Earl was highly irregular; he submits, sitting as a judge to the words, which must have given him more offence at the moment than two days after, to pass unob-

unobserved in the face of a large audience, and now charges the Hon. Manager, in his absence, before persons, many of whom did not hear the words.

Lord Kenyon said, he conceived the propriety of the motion, though he was neither master of the form that should be used, nor did he know whether the words passed or not, but he took them on the credit of the Noble Earl. He declared he had no communication with the Noble Peer who brought forward the motion, but he could not avoid taking notice of the difference between the accounts stated by the two Noble Lords. and he was sure that the Judges ought not to be censured by a side-wind. If they were guilty of any breach of integrity, let the charge be brought forward, and if it could be made out and substantiated, let the Judges be punished. The two Noble Earls having differed as to the words in question, was to him a sufficient reason to have the matter inquired into.

The Lord Chancellor left the woolfack, and lamented that his Noble and Learned Friend had not been present in Westminster-hall to have heard what passed upon the subject referred to, because if that had been the case, or if his Noble and Learned Friend had done him the honour to communicate with him, he was sure he would have been saved from that perturbation of mind, which he was sorry to see him manifest. In the course of the Trial the preceding day, a great deal of irrelevant and collateral matter had been adverted to; he owned that he had not given the most minute attention to the whole of what was said, but he had so far attended, as to be a competent master of the general scope and tendency of what passed; and he hoped that the habits he had so long lived in with the Judges, and the respect and regard which it was natural for brotherly-love and fellow-feeling to generate, were alone proofs sufficient to render it impossible for him to hear any attack made upon the characters of the Judges without repelling it. With regard to the motion itself, he felt strong grounds of objection to it. In the first place it was to be recollected, that the fallibility of memory was such, that a person's loosely stating that such and such words were used on a former occasion, was not authority enough to proceed upon; and if his own ear was correct, the words quoted by the Noble Earl that day, were not the same, nor like the same, as those quoted by him the preceding day. With regard to the short-hand writers, let their Lordships recollect that the House did not mean to print the speeches of the Managers, and therefore what they had taken down was merely the evidence and examination of witnesses. If their Lordships called upon the short-hand writers to see a passage of a speech of a Manager, would

would not the Manager have a right to desire the whole of his speech to be considered? because they all knew how unfair it was to decide upon a single sentence of an argument, without having the context before them, which might elucidate its meaning, and prove it to be perfectly blameless. Another reason against calling for the short-hand writers, was the general inaccuracy of their notes. Those Noble Lords who had ever had any thing to do with them well knew that they scarcely ever returned a man's words to him, and in attempting to catch every syllable, they generally lost either antecedent or relative; so that no person knew his own speech again when it came out of a short-hand writer's hands. His Lordship added further reasons for objecting to the motion.

Earl Stanhope said he was not at all convinced by the arguments of the Noble and Learned Lord, who had declared, that he had not attended to the whole of what passed in Westminster-hall, nor was he more convinced by what had fallen from the Noble Earl near him. He always thought it his duty to attend to every thing said in Westminster-hall, as he went there in the capacity of a Judge who was to decide ultimately upon the whole of the evidence. With regard to the accuracy of the notes of the short-hand writers, he wished to compare his own notes with those of the short-hand writers, because it would be strange indeed, if the notes of three different persons should all concur in reflecting the same particular words, and should nevertheless be questionable on the ground of accuracy. He observed that the short-hand writers were paid by the Public for their time and trouble in taking down the notes, and therefore it was their duty to be as accurate as possible. If after all he should have the misfortune to have the Noble and Learned Lord on the woolsack against him that day, he trusted that he should have the support of another Noble and Learned Lord of great authority.

The motion was negatived without a division.

SUBSIDY OF PRUSSIA.

The Order of the Day having been read, for taking his Majesty's Message into consideration,

Lord Grenville said, that having had the honour to present his Majesty's Message, it became his duty to open the subject of it to their Lordships, and to state the grounds of it to the House, not doubting but their Lordships would readily concur in an address of thanks to his Majesty, assuring him of their hearty and cordial support in this and every other measure obviously necessary for carrying on the just war in which the nation was engaged. He would proceed, therefore, as shortly

as possible to call the attention of their Lordships to the measure then before them, and to explain the principles upon which his Majesty's ministers had acted throughout the whole of this interesting and important business. As one of his Majesty's ministers, he felt himself responsible for every act of that administration; but more particularly responsible for all those acts which had connexion with foreign courts, they being more immediately within his department. With respect to the treaty with Prussia, he felt no apprehension in taking that responsibility upon himself, because he had every ground to hope, that the House and the nation would be unanimous in the opinion that it was likely to produce the most beneficial consequences to the kingdom. The peculiar nature and circumstances of the war, his Lordship said, were such as to render a large number of land forces necessary. Since we were engaged with France as a rival nation, and that we had to repel her ambition, her intrigues, and her restless enmity, which had been for so long a time, under the old government, the source of our wars, it had ever been found our wisest policy to seek for aid on the continent; our own force being greater at sea than on shore, and from the nature of our constitution and government always must be so; the reason was, that although our superiority over France, in point of real strength, of national vigour, of naval power, of commerce, and of wealth, was manifest, yet, in point of population, and of the means of raising armies, Britain must yield to her greater rival; and thus, in a war like the present, when, for various reasons, we did not chuse to spare our whole army for continental service, we were necessarily obliged to enter into subsidiary treaties with those princes who could furnish troops. It had ever been the policy of this country to do so; and even sometimes to engage to pay a subsidy without having men furnished for it, but merely to excite petty princes to create a diversion, and thus call off the enemy to another quarter. It would therefore be idle and absurd, in speaking of this uniform policy, and the great advantages derived from it to Great Britain, not to admit the wisdom and propriety of subsidising the King of Prussia, rather than employ our own troops. This had been our uniform policy; not merely from necessity, as we could not raise great land armies ourselves, but also from economy, as it was certainly cheaper and more political, to pay foreign troops. Besides, the population of the country, when we considered the numbers that are engaged on board our fleet, would not enable us to recruit the armies abroad in a manner that would prove effectual to the cause in which we had embarked. Such, indeed, would be an unnatural drain on our popula-

population. The uniform policy of subsidizing foreign troops had been long adopted, and with success pursued; and the nature of the war in which we had engaged, and the unexampled exertions of the enemy against whom we had to act, were such as should not induce us to alter our mode, but should rather operate as an additional excitement to use our best energies, and exercise our strength in opposing the most formidable rival of Great Britain, which could only be done by a great army; it was therefore necessary to have one at all risks. These were the general reasons which had induced the Government of England to adopt such a system of conduct. Upon former occasions, of comparatively small importance, such measures had been held wise; how much stronger, therefore, must those reasons be under the present circumstances, when we were contending for no less than our existence as a free people, and when the mode in which the French were carrying on the war was considered? In former wars against France, we had to contend against a strong but regular government, against armies constituted in the usual manner, and maintained by the regular resources of the country: At present we were contending against a set of men who had usurped the government of France; who had supported that power, so acquired, by the most unexampled tyranny; who dragged every man, of whatever condition, into the field, under the terror of death; and who supported such an enormous and unnatural mass of soldiery by every species of plunder and robbery; not by the revenues of the country, but by its wealth and its capital. Under such circumstances, how were we to act? Were we to plunder our churches, our nobles, and every individual in the country? Surely not. What conduct then could we pursue; but use the fair resources of the country, in obtaining such a foreign force, in addition to our own, as would enable us to stem this torrent, which threatened to overwhelm Europe: We were to direct the stream, but not to dry up the source of public wealth, in defence of those principles of social order and of religion, without which existence would be a curse. The people of this country must therefore rejoice in this system of subsidizing foreigners, compared to the mode practised by the tyrants of France, who, by their present horrid system, were destroying all domestic occupations, demolishing the very frame of society, and reducing all the people into the trade of war. Every man was there forced, not merely by the tyranny of the government, but also from the pressure of actual want, to take to the army as his only option of enjoying life on any thing like terms of security for the moment; and unless we were to exercise the same oppressions,

unless we were to send forth a requisition, raise the people in a mass, and put all the men of England into arms, we must fill up our inferiority in point of numbers by foreign aid. So far were we, however, from taking these violent steps, from disturbing, in the smallest degree, the complicated machine of national industry, that he would take upon himself to assert, that the country was rich, affluent, and easy; there never was a time when the pressure of war was so little felt by the interior of the country, it never was in such a state of internal prosperity, manufactures so flourishing, nor agriculture going on so well during any war with France as at present. Compare this with the conduct of the government of France! In the latter, every means were taken to coerce resources for the war. They were not subsisting by the natural produce of the year. They were not, with the views of a permanent and legitimate government, looking forward to the interests of the future, but with the rash violence of men who had no interest beyond the day, they were rooting up the very foundations of all revenue, and were spending, with a lavish hand, the actual capital of the country. By this violence they were, to be sure, able to bring into temporary and short-lived action, an unheard-of force; but their exertions were such, as must naturally exhaust themselves; they could not repeat the effort; for the capital once gone, it could not be recalled. The very fact, however, of their intemperance, demanded from us greater efforts. An extraordinary war demanded extraordinary means. The conduct and sentiments of the British Government remained the same as ever. France had compelled us to war; which was an ungrateful return for the most generous conduct ever shewn by a rival power, and under such circumstances, we must retaliate with earnestness and with energy. Administration felt that this was a war upon which depended the very existence not only of this government, but of all society; that we had every thing at stake; and that, therefore, no efforts, no expence, ought to be spared, by which we could accomplish the just and desirable object we had in view. If the political expediency of the war was admitted, he thought there could not be two opinions as to the question of whether this was an advantageous treaty or not. He was free to say, that he never had two opinions on the question, whether we should confine the aid to the stipulated succour of the former treaty, or extend it to that which was now secured. We ought to make use of the means with which God had endowed us; and with respect to the conduct of Government, as they declared, he said, so they felt, that as the war was with the approbation and consent of the people,

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ple, so every resource should be called into action, that could operate to its success. Upon these grounds, and considering the means of carrying on the war, his Majesty's ministers were obliged to turn their eyes to a member of the confederacy. Prussia, a steady friend, and our ally under former treaties, was ready and desirous to pursue the war with vigour; but the Prussian minister had stated, that, after the loss sustained by the King of Prussia in two campaigns, he could not proceed with vigour, and was incapable of going on without some pecuniary aid. The question, therefore, that arose, was, whether they should make the sacrifice that was necessary, or retain, at a certain expence, this great and important ally. By preceding treaties, Prussia was bound to furnish 33,000 troops, and was willing to do so; but by the treaty, then under their Lordships' consideration, Prussia engaged to furnish 30,000 more. The question, therefore, naturally presented itself to Great Britain and Holland, the two maritime powers, Was it worth their while to pay the sum expected by the King of Prussia, for an additional force of 30,000 men? He repeated it, therefore, that had it remained for him to decide, he was ready to own that he should not have hesitated a single moment to decide in the affirmative, that the treaty ought to be entered into, and he had not the smallest scruple to avow, that he was ready to take his share of the blame, if any blame were due to his Majesty's ministers for having advised him to conclude the treaty on the table. The latter being thought most advisable, his Britannic Majesty, to obtain larger forces, was to pay a pecuniary aid. The transaction, therefore, would appear not only advantageous in a military point of view, but in a financial one, extremely economical. Of the 62,000 men which his Prussian Majesty had now engaged to furnish, about 32,000 was the contingent stipulated for by former treaties; and for that number, when brought into the field, we were bound, by the former treaty, to pay for bread and forage. Taking then into consideration this fact, and going on the supposition that it was right to subsidize at all, the present would be found to be the cheapest means of raising an army of 30,000 men that ever was known. The total expence of the subsidy was about 1,750,000*l*. Of this sum the Dutch were to pay 400,000*l*. so that our part of the expence was 1,350,000*l*.; but for 450,000*l*. of this sum we were bound by the former treaties; so that, in reality, the whole of the sum to be incurred for the service of 30,000 men for the rest of this year was about 900,000*l*. And the annual expence would be no more, provided the Dutch should be prevailed on to continue and to increase their proportion, which he had reason to believe they would be. All the other troops

employed by us in the war cost us more than this stipulated sum. Our own troops cost more, the Hanoverians cost considerably more, the Hessians cost more; and, indeed, all the troops of all the nations in British pay cost more than these Prussians; so that, in the two-fold view of military policy and public economy, it was a cheap contract. And the present treaty was highly advantageous; besides, he would venture to say, it would have been impossible to have found 30,000 men elsewhere in Europe to be brought forward on our part in the war. It was not merely to be considered as a subsidy of troops, but here was an army of 62,000 men provided; an army numerous, disciplined, ready, and efficient. The great advantage of bringing 60,000 men, the troops of one of the first military powers of the Empire, into the field at once, was obvious; and the more so, when it was considered that Prussia might withdraw himself almost entirely. In a military and political view this was of the greatest consequence, and far preferable to an accumulated addition of small numbers of troops from the Landgrave of Hesse, the Landgrave of Baden, &c. He was ready to admit that a subsidy to this extent was new; there never had been so large a one: But though the amount was new, the principle was old and approved. He would state two instances; in the war of 1741 we had given a large subsidy (66,000*l.*) to the house of Austria, purely to maintain the rights of the Empress Queen; and in 1756 we had given a large subsidy to the House of Brandenburg, to enable him to make efforts, for his own interest, as much, or more than for our own; and yet, during the war, the King of Prussia never opposed his troops to those of the common enemy. The amount of those subsidies certainly was not so large as that engaged for by the present treaty. The subsidy paid to Prussia was the highest of the two, about 500,000*l.* The apparent amount of the subsidy to be paid to Prussia, under the treaty on the table, was 1,750,000*l.* of which Holland undertook to pay 400,000*l.*; there was then to be deducted 400,000*l.* for the bread and forage-money for the 33,000 troops to be furnished by Prussia, whether this treaty was ratified or not, according to the stipulations of former treaties: The amount, therefore, left for this country to pay, was about 900,000*l.* but for what? for 33,000 men, who were to be employed under the command of a Prussian general, on such objects as should be agreed on in military concert for our advantage, and for conquests to be made distinctly for us. Those who thought that the present war might have been altogether avoided, [Earl Stanhope cried, Hear! hear!] as well as those who thought since it began, peace might have been

been concluded, [Earl Stanhope: *Hear! hear!*] would of course think this an improvident treaty; but those who agreed with him, and with the rest of his Majesty's ministers, on the necessity of the war, in the impracticability of obtaining peace on any grounds of real security, and in the policy of making the war vigorous for the purpose of bringing it to a speedy conclusion, would feel with him the advantage and wisdom of the present measure, and would adopt the motion, with which, after laying in his claim to the privilege to reply, if any thing that might fall in the course of the debate should require an answer, he begged leave to conclude, "That an humble Address be presented to his Majesty, to thank him for the gracious notification of the treaty concluded with the King of Prussia, and to assure his Majesty that they would concur in the measures necessary to fulfil his part of the same."

The Marquis of Lansdown said, he differed entirely as to the nature of the treaty on the table, and could not avoid expressing his surprise that ministers should thus call upon the House to come to a vote upon a measure altogether new and unprecedented, so soon after it had been presented to them. He felt a considerable degree of surprise at the precipitancy with which a measure of such considerable importance was attempted to be carried through that House; it was calling upon their Lordships to vote in favour of that which it was impossible they could have sufficiently turned in their minds, to be apprised of all the consequences that attended it. No Noble Lord, therefore, could be bound by any vote that he should be drawn in to give under such circumstances. Such he felt at least to be the case, as far as related to himself; nor could he presume to venture an opinion as to the whole of its merits or demerits; but there were some points so very glaring, that they must strike any man upon the first view, as well as must the erroneous statements, and the weakness of the arguments, which the Noble Secretary of State had brought forward to give it support. Surely, at a time so critical and so convulsed, and when men in every part of Europe were busied in examining the principles of government, it was not wise to treat Parliament with so little ceremony; to bring their independence and integrity into question; and to take off from their decisions, the influence which they could only obtain from the dignity, the gravity, and the maturity of their deliberation. Surely, they ought to uphold the respect due to Parliament, not to undermine it; and if they thought that any strength was to be obtained by the concurrence of Parliament, they should be cautious to give to that concurrence at least the air of deliberation. The Noble Lord said, that this was a treaty

treaty founded upon precedent. In his mind it was totally new, and gave perfectly a new aspect to the war. Such a sum was never heard of as a subsidy to any one foreign power for troops. The whole object of the war was changed, as was obvious from the treaty. Prussia and Austria began the war; of the two, Prussia was the first and most forward leader. It was a matter of history, that the Prussian Court was not only the most eager, but was, in truth, the author; and the late unfortunate Queen of France always dreaded the eagerness of Prussia, as likely to involve and affect her brother the Emperor. She saw the consequence to her own family, which was, fatally for her, fulfilled in the sequel. Prussia not only led the van, and drew in Austria, but the chief command was in Prussia, and the whole of the past campaign was under Prussian auspices. Of us the King of Prussia did not even think. He did not imagine even that we, out of the line of the war, out of its scope and tendency, far removed not only from all danger, but from all interest, could be so absurd and stupid as to take a part; and no attempt was thought of on his part to draw us within the vortex. He having views very different, heard, with surprise and concern, that we had committed the rashness of involving ourselves in the war. We had affected to come into it unwillingly, and now we became avowedly the principal, and were to pay the former principal, Prussia, since that very principal of the principals not only withdrew, but left us, the last and the least concerned, to become the head, and proudly assume to ourselves the grand task of bearing the whole burden. Surely, a change so important demanded a pause. It was, indeed, a consideration of no small moment to this country, loaded as she was with debt, the consequence of all her mad wars, during the maddest and wildest of which no minister ever dared ask for such a subsidy as the present. The subsidy of 1756 had been mentioned as a precedent. It was a curious precedent on which to justify the measure. From the day in which it had been made, to the present, there had never been two opinions on the folly, extravagance, and absurdity of that act. He remembered it well: On the very day (that is, on the first day) that he took his seat in Parliament, he had given his opinion upon it. The Noble Lord's father had equally objected to it; and the minister himself, who gave the subsidy, had always owned that it was an unadvised and impolitic measure, and that he had been drawn in on the occasion.

One of the arguments most relied on by the Noble Secretary of State in defence of this treaty was, that we not only got a great army, but secured a great leading power of Europe by it:

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The Marquis said, he entertained a directly opposite opinion with regard to the superior advantage of having 60,000 troops from a powerful Sovereign of great importance in the balance of Europe, and aggregating an army by small numbers of men hired from petty Princes. In his mind this was a sensible objection to the treaty. To have engaged the same number of men from inferior powers, would have been preferable, since they could have no interests that would interfere with ours, or at least no capacity to thwart our views. Whereas, exclusive of the folly and madness of continuing the war, the present treaty was objectionable on account of the many obvious inconveniences it would produce. Prussia, as a subsidized power, ought to be the servant of Great Britain, and it was impossible that she should be so from the nature of things, as the two characters of servant and master were utterly incongruous and incompatible; and Prussia had a superior claim to her attention, a claim far above our cause, for such we had strangely made it, *viz.* the good and interests of his subjects generally. The King of Prussia had great and sacred duties to fulfil towards his own dominions, which our views might cross; and yet we thought of binding him, by packthread, to the performance of a light pecuniary engagement against the permanent, hereditary, solemn duties of his sovereignty. There never was a power that had interests so different in any war as the Prussians and Austrians in the present. With regard to ourselves, he knew of no interest upon God's earth that we had in view. *Could* the King of Prussia, or *ought* the King of Prussia, to divest himself of his natural duties? Could it be expected that he would be bound to fulfil engagements so trivial on the comparison? Might he not find employment for all his means elsewhere? Was he not likely to say, Austria is gaining too much by this colossal attempt? And were ministers vain enough to suppose that they could guide and direct this mighty power like the Margrave of Baden, with his paltry 700 men? Another inconvenience was the rooted hatred between the two armies of Austria and Prussia. This was notorious the whole of the last campaign, and was now greater than ever. There was also an ill understanding between the two Courts. If we wished to judge of the King of Prussia's own ideas of the war, look at his Declaration. [*Here the Marquis read an extract from the Declaration.*]

The Marquis desired the House to recollect, that the war was not a war with a civilized nation, and well-disciplined armies, but a war with a delirious and undiminishing swarm of men, with a highly populous nation, provided with every resource for war to back them; a set of men who did not fight merely

merely for victory, but who fought by fire, sword, and the poison of their pernicious doctrines, with a view to subvert the whole social edifice of Germany.

To oppose this almost unconquerable enemy, the King of Prussia, on his part, had last campaign brought into the field 70,000 of his best and choicest troops, under the command of the greatest General in Europe, the Duke of Brunswick; with these had his Majesty combated, even until this third campaign, under every imaginable obstacle, far from the Prussian dominions, amidst already exhausted lands, excess of dearth of the necessaries of life, and almost insupportable expence.

Was it likely, after this declaration, that the King of Prussia could, or, if he could, that he would now send 60,000 of his best troops to support a *step-child*? No, he knew better; he had enough upon his hands elsewhere, and was threatened with wars of a still more serious nature. There were three things in this arrangement to be considered: 1st, Were not the present troops worse than those with whom he found it fruitless to maintain a contest against France? 2d, Would there not be a want of confidence, while serving in their present situation? 3d, Were those troops likely to act better with us than with the Duke of Brunswick, a General to whom they were enthusiastically attached?

Was not Poland likely to find the King of Prussia some use for his troops, and to exercise him even at his own door? In the North, also, it was probable that he might find cause for alarm, if not for action; and might not circumstances arise, in which he would be justified in the eyes of all mankind for breaking this treaty? Such things had been. In the year 1744, after having paid a long peace subsidy to Hesse Cassel, the Landgrave turned the stipulated force into the scale against us, because the interests of his native dominions demanded it. Suppose that Austria were to have success in the present war of partition: Would Prussia relish it? Would she feel no jealousy, no alarm? Was it acting like politicians and statesmen to believe that he would act upon this treaty to his ruin? In the renewal, then, of this bloody lease, it surely ought to be our wisdom to look back to the last campaign, and see where the fatal errors lay by which our efforts had been ineffectual. One obvious cause of suffering was the difference that subsisted between the Austrians and Prussians. Did this treaty reconcile them? Austria was not even mentioned in it. Prussia, in his memorable Declaration, says, that he brought 70,000 of his choicest troops into the field. They were commanded, as he had before said, by the greatest General in the world; but

but he met such unceasing multitudes of men, that all his efforts were vain. In three years in any war an army must be worn out: And two years of such a war as the present must be equal to three of any other war. Then we were to have a smaller number of worse troops; and those troops not engaged as principals, in which there is pride, and ambition, and glory, but as hirelings, where there is nothing but a paltry selling of so much blood for so much money, and in which the heart is warmed by no spirit; where there is a cold cause, that of mere money. He said, the extravagance of the treaty was obvious, in our engaging to pay before-hand, in ready money, for bread and forage. Such a thing was never heard of before: And where was our money to go to? Not to the army of Prussians; they would never see it. It would go in English guineas to Berlin in the lump. God knew in what shape the sum paid would meet the soldiers! It was well known what base money was circulated in Prussia, and, perhaps, it might be issued in false money, and under the form of assignats that were counterfeited and forged. So that the consequence might be, that we should have a starving army upon our hands, to quarter where they could, and who must be fed by us, and at our cost, to be made useful. By the extravagant terms of the treaty, what with forage-money, and money to put the Prussian army in motion, though it had not far to march, at the end of two months the King of Prussia would have 600,000*l.* of English money in his pocket, and he might laugh at us, and not move a man, pretending that the interests of his people demanded his exertions elsewhere. With regard to Russia, whose Cossacks were expected to over-run France, it was pretty clear from her conduct, that, to use an ordinary English word, she was *off* altogether, *she had other fish to fry*, and something else to do. It was notorious that, during the war, she had been engaged in another important business. It was well known, though, from the new species of inquisition that was set up in this country, the newspapers dared not state it, that among the papers of M. D'Armsfeldt, which had been seized, there was pretty evident proof that the Empress had been engaged in the trifling work of a plot and conspiracy to murder the Duke Regent, and overthrow the whole government of Sweden. Did the disposition of the neutral powers open to us any fairer prospect? It could no longer be disguised that they were now arming, and that they held a very threatening language. By whom they were supported also it was easy to divine.

What he had said on a former day about America had been smiled at, and considered as wild and extravagant; but had

not his predictions since been verified? And had not matters in America towards this country since taken an alarming turn? So that, in this dangerous chieftainship which we had assumed, as the Don Quixote in this crusade against the French wind-mill we certainly had no mighty improvement of our views by this treaty: For, in addition to all the circumstances he had mentioned, we had a greater want than all—the want of a *just cause*, and of a fair and intelligent object. The writers on the side of the war, from Mallet du Pan downwards, who was the best of them, had all owned that what had chiefly tended to prevent our success was, that a distinct object of the war had not been held out to mankind, and particularly to the people of France. If, even before this treaty, that charge could be brought against the allies, how much more truly might it be urged at present? For this treaty confounded all rational hopes. It declared that Prussia was to fight to make conquests: For whom? For the two *maritime powers*! He spoke of the arrogance of Great Britain and Holland assuming to themselves the name of the maritime powers, and asked, What entitled them to assume that superiority? What would Spain say to it? Was not Spain a maritime power, and how came she not to stand forward on the present occasion? How would the pride of Spain feel the disdain thereby offered to herself, whose dispositions at this time were equivocal, and whose temper at least was irritable? As to Holland, he should only say, that Holland was once a proud country; how it had been reduced by our meddling policy, he need not say. It was doubtful even whether she was able to pay the small quota of the subsidy which had been imposed upon her. Prussia at least was unwilling to trust to her, and had taken care to have our security. Were we to pay the whole, and take our chance of the Dutch for the repayment? What confidence had we in the present state of our allies? Prussia, by the bye, was no longer an ally, but a servant; but such a servant as we could not expect to command. We were to give him 600,000*l.* before he moved: By the treaty, he was to have 300,000*l.* as a *bonus*, and then he was to have an advance of two months, that is for April and May; and this no doubt he would take care to receive; but when he had received it, what security had we that he would move at all? In what court could we carry on our suit against such a debtor? He had the highest respect for the private character of the King of Prussia as a gentleman and a man of honour; but it was well known, that Sovereigns held their consciences absolved from the ties of common men.

With regard to our allies, did any one of them, except Austria perhaps, retain even the appearance of feeling a common

mon cause with us? In Spain, the only great men had retired with glory into exile, because they would not sacrifice the true interests of their country; and M. D'Aranda had carried with him the regrets of his nation. What even was the state of our own forces? With respect to Corsica, who knew what sort of scene was carrying on in that island at present? with the commanders of the different services of land and sea at variance, the one carrying on a siege in defiance of the other; and, for ought we knew, our fleet might be entirely ruined. Something material must have happened. The Commander in Chief of the land forces, a gallant General, had returned in disgust, and as ministers chose to say nothing, he was silent likewise, from motives of prudence obviously. The Marquis spoke of the high character of that gentleman as an officer, of his great zeal, great professional knowledge, and great bravery. He said, he did not know the gentleman personally; he never had seen him, but was well assured that such was his character. In the course of the war, he acknowledged that we certainly had experienced important successes, particularly in the capture of Martinique. At the same time, he professed himself not an admirer of the acquisition of the West India islands, important as they were; he was sure they would always be regarded by other powers as an object of great envy and uneasiness. The capture of that island he imputed solely to the superior talents, experienced bravery, and known judgment of the two general officers who commanded by sea and land. He did not mean to detract from the bravery and good conduct of the other officers, but sure he was the merit of the capture was ascribable to the Commanders in Chief; and even these brave men, and able commanders, to whom ministers owed so much, were not of their own choice, but approved by those whom they honour with the epithet of Opposition. Having taken the West Indies, the Marquis asked, why should not ministers take advantage of the circumstance, and offer terms of peace? Why not say to the government of France, Secure to us the West India islands as an indemnity for what we have suffered? Keep within your own lines, and we will trouble you no farther. Or were ministers determined to go on making conquest after conquest, and not avail themselves of any of them, in order to fix upon the minds of Frenchmen indelible impressions of enmity, and ascertain to England the afflicting inheritance of eternal war? The Noble Lord concluded with a warm admonition to the House against the hasty praise which was demanded of a measure that, in his mind, was pregnant with the most fatal consequences.

The Earl of Mansfield declared himself anxious to state his sentiments, and impatient to do so, being conscious of having some share of the blame, that of having advised the present treaty, if blame were due. Had he the honour of being in a responsible situation, as formerly, in that which the Noble Lord in his eye (*Lord Grenville*) filled so much better, he certainly would have spared no pains to enforce the conclusion of such a treaty as the present. He said, he felt that he had no occasion, after the Noble Secretary of State had so ably opened the subject of the treaty, and with so much clearness and precision explained all the relative circumstances, to enter into that topic in detail. He would, therefore, only make a few observations on what had passed in the course of debate. The measure, indeed, was a bold one; but it was not the less wise for being bold: It was a great effort on the part of this country for a great end. The Earl said, he would not enter into the extraneous matter adduced by the Noble Marquis, who had wandered from the question to general topics, and overlaid the real subject of the motion by the weighty ornament of his own comment. With regard to the expression "maritime powers," he thought it was properly used; Great Britain and Holland were the maritime powers contracting, as well as the powers whose marine principally protected the trade of the allies on the seas. He could not say what had been the opinion of the late Earl of Chatham respecting the subsidy granted to the King of Prussia in 1756, nor had he any hand in making it; but he thought it a treaty founded in wisdom and sound policy, and could not believe that it was a thing sought for by that Monarch. He had the honour of being employed on the continent at that time, and he well recollected the report generally believed was, that the King of Prussia did not want a subsidy, but that he cried to Britain, "Give me men; give me a fleet in the Baltic;" and so far from desiring the subsidy, the measure had originated in England, and was rather forced upon him. After the treaty the French and Prussians never were engaged. The Noble Marquis's reasoning about the want of an ascertained and just object in the war, which it had been said had kept the honest part of the French from joining us, was taken from a pamphlet published by Mallet du Pan. This had often been urged as a great objection, but he thought it a very silly one, as the object of the war was both just, and clearly defined. It was just, as it aimed at the destruction of a system which threatened to overturn all civil society, and to promote rapine and plunder; it was defined, as it was declared to be for the purpose of annihilating that system, and restoring monarchy. As a means

of promoting the success of that object, he thought the present treaty a strong and a wise measure; and he thought it much better to connect ourselves with a great power like Prussia, and thereby ensure the whole of its efforts, than to connect ourselves with little powers, like the Landgrave of Baden, whose whole efforts must, perhaps, be very inconsiderable. He thought that securing to our side one of the greatest potentates in Europe, who would otherwise have withdrawn himself, was a mighty object, and which almost no sacrifice would be too great to accomplish. But such a power it was impossible (it had been said) to bind to his engagements. In his opinion, the King of Prussia would find not merely, from the natural sentiments of his own dignified mind, but also from the reflections of his understanding, that the solid interests of a sovereign prince could only be secured, like those of an individual, by the sacred maintenance of good faith. With regard to the asserted surprise of his Prussian Majesty at Great Britain's involving herself in the war, he should rather have expressed his surprise that the French should have plunged into a war with Great Britain; for he always must maintain, that they had not only provoked, but begun it. The number of troops procured by this treaty might, indeed, be represented as small; but he begged their Lordships to recollect that thirty thousand Russians occasioned the peace of Aix-la-Chapelle; and there was no knowing what good effects might result from the co-operation of the Prussians, now ensured by this treaty.

The Noble Lord had said, after doubting the value of conquests in the West Indies (in which he had not the honour to agree with him), that ministers might give up all their other pretensions in the war, on the ground of securing those conquests. He deprecated such a compromise; it would be fatal to the honour and true interests of England. The conquests in the West Indies were highly valuable; and if this was an ordinary war, brought on by aggression, he allowed, that the possession of the acquisitions in the West Indies might be a sufficient indemnity, but, in the present contest, he thought them a mere trifle; although, distinctly considered, the capture of Martinique was a great and glorious acquisition, yet if ministers consented to make peace with the present rulers of France, because they made such a cession, he would have his head severed from his body, before he would give them the smallest support; the minister who would make such a peace, would purchase infamy, not honour—would bring us into danger rather than security; for if the present government of France were allowed to exist, there could be no safety
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for any other government in Europe. It was a system of insurrection, of rapine, and disorder; and it was not vain boasting, but sound reason, in those who possessed power under it, to desire the destruction of established governments, as they knew that every well-regulated government must risk their overthrow. If suffered to exist, the rulers of France would therefore endeavour to contaminate all surrounding nations with their principles, and by that means bring a pestilence upon them greater than any of those which had yet afflicted mankind.

It was said of Cicero, that his predictions were equal to prophecies: "*Predictiones esse quemadmodum divinationes*;" and perhaps that man would be entitled to the same praise, who should predict the short-lived prosperity of that horrid system, which now ravaged France; or, at any rate, who should say, that, if it succeeded, no other country could be safe. The Earl, in a contrasted picture of the worst evils of ambition in a state such as France was, with the horrors of the tyranny that now raged there, drew this conclusion, that though neighbouring kingdoms might enjoy at least intervals of repose under the one, they could not hope for one month's security, ease, or respite, under the other; and that therefore it was a cause which could admit of no comparison. To make peace with France now, would lead to certain and inevitable ruin. It would give a mere momentary repose, that could not continue; and therefore the war must be persevered in until such a government was established in France as could give security to the other states. The combined exertions of so considerable a part of Europe would, he hoped, ere long, accomplish so desirable an object. The Earl said, he had been born and bred to admire the opposition made to the ambitious views of Louis XIV.; he highly approved the confederacy that had been made against that aspiring Monarch; but how different was the aim and conduct of Louis XIV. from that of the present government of France! The ambition of Princes was generally governed by prudence; but no such guide influenced the present rulers of France: Their sole safety lay in letting slip the dogs of war, and crying havoc to feed their blood-hounds with human flesh. The old government of France, even when animated by the most extravagant ambition, had always paid some regard to the happiness of the people; and the prosperity of the people had hitherto been thought necessary, for the support of ambitious projects; but the French system made the wretchedness of the people its primary object; and for the destruction of that system, and those men who support it,

it, he considered this war to be carried on, and the present treaty to be entered into: He should therefore give it his warmest support.

The Earl of Lauderdale said, he thought to rise for different reasons, but the question had become infinitely more interesting by the language of the Noble Viscount* (*Earl of Mansfield*); for according to him the object was most completely changed. This obliged him to take a new line of argument. The allies had often changed their professed objects in carrying on the war; but now the very system of the war itself was also changed; the principals were become inferiors, and the inferiors the principals in it. He appealed to their Lordships, whether, until that day, they had ever heard it openly avowed, that we were fighting for a new internal government in France. In the Noble Secretary's correspondence with M. Chauvelin; in the King's speech at the commencement of hostilities; in our minister's declaration at the Hague; in all the state papers which we had ever published, it had been studiously declared, that it was not our wish to interfere with the internal government of France. At this day, however, that which a twelvemonth ago no minister would have dared to avow, was openly avowed, and was not denied by ministers. Even upon this new system of carrying on the war, what security had we that the King of Prussia would fulfil his engagements? The treaty of July 1793, he had already broken. By that treaty he bound himself to England, not to relinquish the alliance, nor withdraw himself from the war, but with mutual consent. It could not then be a greater treachery in the Court of Berlin to break the present treaty, than it was to break that. He broke that either from choice or necessity; and with that latitude of conscience which he had manifested, he might in a month, under a pretended necessity, demand double the sum which he had now obtained. The expence was stated lower than it really was. Prussia was bound only to find field-pieces to this army; before they were fully equipped, so as to be employed beneficially, the cost would be much greater; and it had been well and seasonably asked, Whether he might not have occasion for all his forces elsewhere? He had no hesitation in saying, that he hoped in God he would find full employment elsewhere; he hoped that Poland would find him full enough to do; for it was the first wish of his heart, that he, and his accomplice in the horrible atrocities committed on the Poles, might be speedily and adequately punished; and that a gallant people might recover their independence and liberties, so inhumanly destroyed. If then the

* Lord Lauderdale, throughout the present session, has almost uniformly termed Lord Mansfield the *Noble Viscount*.

King of Prussia should find employment in Poland, this subsidiary treaty would be no better observed than that of last year was, and he would leave religion, humanity, and civil society to shift for themselves; he would leave Robespierre to triumph, rather than endanger one atom of his plunder in that country.

The Dutch, in this treaty, the Earl said, had been a little more cautious than Britain. They had entered into it only for one year. They chose to make the experiment, and to leave it to their own discretion whether it should be renewed. But the British government, with a forward profusion, had despised such precaution; and, whether the experiment should turn out to be good or bad, they bound themselves by a separate article to continue it during the whole war. The subsidy, however, that was to be paid to Prussia, great as it was, was not to be looked upon as all that this country would have to pay. His Prussian Majesty had, indeed, been well apprized of our Quixotic disposition, and had been the earliest in his application. If Prussia, seeing our avidity to stand forward as principals in the war, had wisely profited by the circumstance, why might we not expect Austria to take the same advantage, and follow the example of Prussia? For Austria was equally distressed. Previous to the commencement of the war, the finances of Austria were in the lowest state, occasioned both by disturbances in her own dominions, and a heavy expensive war with the Turks, while the coffers of his Prussian Majesty were well known to be largely filled. If Austria, therefore, comes forward, and says, "I have borne the brunt of the war; I have fought most earnestly; I have freely expended my blood and money; I have done the greatest service, and I am the most in want of money: You have paid Prussia largely, though she has been of much less importance; I therefore desire to be paid also"—If Austria should come forward in such a manner, could her pretensions to a subsidy be denied? Was she not the chief support of the confederacy? And if she threatened to withdraw, unless pecuniary aid was given her, must it not either be granted, or the war be completely abandoned? Would not the extent of the sum, and the facility with which it had been given to the King of Prussia, encourage the Emperor to demand a subsidy also? But what was more serious, would not his necessities force to him to it? Austria was so reduced, that she was obliged to have recourse to all the means of raising money employed by the Jacobins, and so much reprobated in this country. The Emperor had called for contributions of civism; he had been reduced to commit sacrilege, by pillaging the churches, melting plate, and making what he called loans in every country of Europe. Even here Austria was trying a loan; so that she

she was obliged to carry on the war with British capital. We, therefore, might be said to be exhausting, not our income, but our capital, as well as France, because we anticipated revenue, and borrowed money on credit, not perhaps in an equal degree; but it could not be denied, that we were using our capital. With such a state of strength, the object was ten times more difficult than ever. There were now no differences of opinion in France, no army in La Vendée; and the faction in power had exhibited the phenomenon in a moment of revolution, the spectacle of a complete triumph over an opposing party, that at one time stood higher in popularity than themselves. No man could more detest and abhor the present government in France, and the diabolical scenes passing there, than himself; but what horrors did Robespierre commit which were not every day practised by Russia? The horrors of Russia were however said to be nothing; as neighbouring governments had nothing to dread from her; her horrors presented to Europe the security of long standing; they were stable. Good God! with what face could one man say to another, that we were to fight against Robespierre, because his tenets disturbed the tranquillity of his neighbours, and yet be reconciled to Russia and Prussia?

The object of the war was totally changed; as a proof that it was so, let their Lordships recollect, that the objects originally stated were the navigation of the Scheldt, and security to our allies. His Noble Friend near him (the Earl of Mansfield) had openly avowed, that the object now was the overturning the existing government of France, and instituting a new one. He thanked the Noble Earl for his candour; but such as was at present avowed to be the object of the war, as declared that night, his Lordship considered it to be, if not completely unattainable, at least highly arduous and difficult; for it amounted to nothing less than the conquest of France. What better prospect had we this year than we had the last? The prospect, in fact, held out far less hopes of success. At the commencement of the last campaign, the strength of Britain, Holland, Spain, and the greatest part of Germany, was untried, and certainly unbroken. A powerful body of royalists were making a most formidable head in La Vendée, of whose success great expectations were formed; and France itself was then torn by factions. Parties were daily accusing those in power, and bringing them to the scaffold, while they themselves succeeded to that power. What was the situation at the opening of this campaign? The strength of all the allied powers was considerably wasted, and it was evident by the measure under consideration, that one of the principals, the very leader of the war, was incapable of longer maintaining the contest. The

insurgents in La Vendée were annihilated; the ruling party in Paris appeared to possess the confidence of the people, and certainly possessed vigour and authority enough to be allowed to be a strong government; since, instead of any new faction being able to supplant that which was in power, we find it able instantly, as it were, to bring those to the scaffold who oppose them. Such was the hopelessness of the prospect compared with the opening of the last campaign; and it would seem that, in proportion as the cause became desperate, in proportion as the allies deserted it, we were to go greater lengths; nor was it the least dejecting circumstance, that we were that day told from one of his Majesty's ministers, that 30,000 men were not to be procured for money in any other part of Europe than in Prussia. If the fact were so, what a hopeless state were we in? The campaign would exhaust double the number at least, and we should have no further resource. But these 30,000 men were cheaper than our other mercenaries. We had 40,000 more foreign troops; and as they all confessedly cost us more, we paid at least three millions a year to foreign powers for men only, in addition to all our own expence, and all this to establish a Louis XVII. in the throne of Louis XVI. But "France was using up its capital." Were not we, he would ask again, to a certain degree doing the same thing? Every shilling of money funded, was a part of our capital lavished and lost for ever. The Noble Secretary's next argument was, "That this country never felt so little the pressure of a war on its manufactures and trade." He would leave this assertion to the feelings of the country, to the knowledge of the manufacturing towns, and to the common observation of all men. Never, never, in the second year of any war, had such an impression been made on the country! The Noble Lord recollected the American war at least, when we had almost all Europe against us. Was the impression in the second year equal to that of the second in this? He knew personally that, in one manufacturing town, a single justice of the peace had attested 23,000 men, taken from manufacture, and converted into soldiers! In another, a magistrate had attested 12,000! A thing unheard of in any former war. [Lord Derby * cried, *Hear! hear!*]

Although we had continued in perfect peace, and the greatest prosperity, three years, while the new government of France had existed, yet now we were told, what had before been asserted by a Noble Lord (Auckland) in his memorial

* The Earl of Lauderdale clearly alluded to a town in Lancashire, when he mentioned the 12,000, the Earl of Derby having in a preceding debate stated the fact.

presented to the States General the 25th of Jan. 1793, that we were making war to destroy certain miscreants, who for four years had brought misery on France, and attempted to establish a new order of civil society. Such was the language at present held. The new government, which had suffered us to be in peace and prosperity, was to be destroyed; and the old government, which had continually involved us in broils and expence, was to be restored. It was also said, Frenchmen were dragged against their will into the armies. This he thought highly improbable, when he looked at the courage and enthusiasm with which they fought. Could any person, who listened a moment to the dictates of reason, suppose that any men so dragged into the field would act as they did? Certainly not. It was rather, on the contrary, very plain, from whatever motive, or however excited, that they acted on the impulse of political enthusiasm, which inspired with a rage and an ardour that it was not likely mercenaries should get the better of.

With regard to the distress stated to exist in France, occasioned by the numerous levies, he believed it to be much less than it was represented; while in this country he knew the distress produced by the war to be much greater than was commonly admitted.

The combined powers, he contended, were not more divided in the object of the war, than the importance of restoring monarchy in France. England thought it of so much consequence, that we were to spend the last shilling to obtain it; while Prussia looked on it with so much indifference, as not to think it worth the expenditure of a single farthing. His Lordship concluded by observing, that it would be wiser to make peace, than subsidize the King of Prussia; and that, if it was true, as he believed it was, and as it indeed evidently appeared, that the people of Britain were strongly attached to their constitution and government, there could be no danger to this country, from the establishment of the new government of France, which, instead of holding out any thing seductive, displayed at present, and it was said by the friends of the war, always would display, nothing but horrors. There would be no danger, therefore, that Englishmen would be desirous of imitating a system of horrors; and upon that ground, he should oppose the present address, as it would bring upon the country a great and enormous load of expence, for an object which appeared to be both unattainable and undeserving of support.

Lord Hawkebury rose to clear up a mistake respecting the supposed change of the object of the war, into which the Noble Earl who just sat down had fallen. The mistake arose from

confounding the object of the allies with our object. Great Britain lay by for two campaigns, and never interfered till France not only declared her system to be a determination to subvert all governments where order prevailed, but made a wanton and direct attack on Flanders and the United Provinces. Until the French attacked us, we did not interfere; and the object of the war had been all along, and was then chiefly, and indeed almost simply, security. Security was the great aim; though indemnity also they were entitled to, agreeable to all the writers on the subject of the war and its rights. This security, he said, we could not obtain under the present state of France; whilst France was under the government of one man, never heard of before the troubles, who carried on the most unexampled tyranny, and ruled it by the means of two Committees, where no law, no justice, no safety, was to be found. The Convention, which was supposed to be constituted by the People, was reduced from 750, its original number, to about 200 members; and those 200 were awed by the two Committees. It was matter of curious observation, that, in this remnant of the Convention, there had not been held for four months a single debate; proving thereby to all the world, that their fears took from them all deliberative functions; for such was the present tyranny in France, that every man was not only afraid to deliver his opinions, but even afraid to signify them by a shrug of his shoulders; the fate of all who afforded but the slightest ground of displeasure or suspicion, being decided immediately. From such a country we could have no security. What were our hopes of success in putting an end to this cruel anarchy? Living, as they were, on their capital, not like England in degree, and comparatively a very small degree indeed, but altogether and at once wasting the whole, he foresaw that it must end: He could not predict the time, but he fancied, let it come when it might, it would be sudden. It would be an explosion, and would break up at once. Whenever this should happen, it certainly was not for us to dictate the sort of government that it would be wise to establish in France; but, after such a convulsion, and after tearing up all the establishments, all the foundations of society, all the revenues, and putting the whole machine into such total confusion, it was obvious *that there must be erected in France a very strong executive government.*

Comparing the resources of England with those of France, he said, those of the latter were nearly exhausted, while our own never flourished so much during any war; in proof of which, he stated that, in the last quarter, the revenue had exceeded the receipt of the same quarter at any former period.

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His Lordship justified our conduct throughout the war, and after asserting that France had changed her object, and not Great Britain, concluded with declaring that he approved highly of the treaty, and thought the present subsidy both politic, and capable of being paid without much injury to our finances.

Lord Auckland said, the subject had been so much exhausted by the Noble Lords who preceded him, that he thought it superfluous to enter into further discussion. But a paper to which no name was affixed having been brought forward (by the Earl of Lauderdale) as a proof that the government of this country had suddenly departed from the system observed during the first four years of the French revolution, he must be permitted to read to their Lordships the passage alluded to. Though it was written above fifteen months ago, it would be found not inapplicable either to the existing crisis of public affairs, or to the particular debate of the day. The paper in question was a Memorial presented by him as British Ambassador to the States General at the Hague on the 25th of January 1793, a few days previous to the unprovoked declaration of war against this country and Holland.

"The circumstances which have led to this crisis are too recent, and the conduct of the King too well known, for the undersigned to have occasion here to enter into any long detail. *It is not quite four years since certain miscreants, assuming the name of Philosophers, have presumed to think themselves capable of establishing a new system of civil society.*" (There being a cry of hear! hear! at this passage, Lord Auckland took the occasion to read it again, and to remark that it alluded to Messrs. Condorcet, Brissot, Petion, Syeyes, and others of that description; and not to the miscreants of the present day, who have thrown aside the cloak of philosophy, and profess themselves to be desperate and barefaced assassins. He then proceeded) "In order to realize this dream, the offspring of vanity, it became necessary for them to overturn and destroy all established notions of subordination, of morals, and of religion, which had hitherto constituted the security, the happiness, and the consolation of mankind. These destructive projects have but-too well succeeded; but the effects of the new system which they wished to introduce have only served to demonstrate the folly and wickedness of its authors. The events that have so rapidly followed, surpass in atrocity all that has hitherto sullied the page of history. Property, liberty, security, and even life itself, have been the sport of this unbridled phrenzy of the passions, of this spirit of rapine, of hatred, and

of the most cruel and unnatural ambition. The annals of mankind cannot present a period in which, in so short a space, so many crimes have been committed, so many misfortunes produced, and so many tears shed: In a word, at this very moment these horrors appear to have attained their utmost height. (Lord Auckland stopped to remark that a long and dreadful catalogue has since been added, and is now adding, to the excesses here described, and had gone beyond his imagination of any possible human depravity. He then proceeded) "During all this time the King, surrounded by his people, who enjoyed, under the favour of Providence, a degree of prosperity without example, could not behold the misfortunes of others without the strongest emotions of pity and indignation; but faithful to his principles, his Majesty has never permitted himself to interfere in the internal affairs of a foreign nation; he has never departed from that system of neutrality which he had adopted.

"This conduct (which the King has seen with satisfaction to have been equally observed by your High Mightinesses), the good faith of which all Europe has acknowledged, and which ought to have been respected on many other accounts, has not been sufficient to secure his Majesty, his people, and the republic, from the most dangerous and the most criminal conspiracies.

"For several months past, projects of ambition and aggrandizement, dangerous to the tranquillity and the security of all Europe, have been openly avowed; attempts have been made to spread throughout England, and this country, maxims subversive of all social order; and they have not scrupled to give to these detestable attempts the name of a revolutionary power. Ancient and solemn treaties, guaranteed by the King, have been infringed, and the rights and territory of the Dutch republic have been violated. His Majesty has therefore, in his wisdom, judged it necessary to make preparations proportioned to the nature of the circumstances. The King has consulted his Parliament; and the measures which his Majesty had thought fit to take have been received with the most lively and unanimous approbation of a people who abhor anarchy and irreligion, who love their King, and will maintain their constitution."

Such was the passage to which the Noble Earl had alluded! and what was the evident purport of it? was it not, that the King and his ministers saw with pity, indignation, and horror, the calamities resulting from the revolutionary doctrines in France, but that his Majesty never would have interfered in the

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the interior of another country, if he had not been compelled to it by the interference of that country in the affairs of his dominions, and in those of his allies.

It appeared then that we had engaged in the war on a principle of defence and self-preservation; on that principle we must continue to prosecute the war, whatever may be our difficulties or disappointments on the one hand, whatever may be the glories of our successes, or the extent of our victories on the other. We are contending with a malignant and desperate usurpation, which professes to seek and to promote the confusion and subversion of every civil government. Here he would take occasion to express his entire concurrence with the Noble Earl (Mansfield) who had said that our distinct object is and must be the destruction of the Jacobin system. He had seen the war in the same point of view from its first commencement, he thought it a war *usque ad internecionem*.

In such a war, originating in such principles, and exposed to such dangers and difficulties, could it be doubted that we ought to carry into action every attainable acquisition of force? could it be doubted that we ought to secure to ourselves the aid of such a body of troops as that described in the convention now before their Lordships?

Ours is not a combination to assist the different Sovereigns and countries engaged in it, in the pursuit of wild or unwarrantable schemes of ambition; it is a wise and just concert for the essential purpose of saving this country and all Europe from a torrent of savage barbarism, rapine, irreligion, and murder.

In a struggle of this importance he would not look too nicely into the conditions of the proposed subsidy, he would not weigh too scrupulously the sum to be paid. He would however affirm that, admitting the necessity or expediency of subsidizing a part of the Prussian army, the bargain was most economical. The whole number of troops to be furnished is 62,400; the whole sum to be paid by Great Britain is 1,350,000*l*. But we already have a claim on 32,000 troops by the existing treaties of alliance, for which however we were engaged to pay about 450,000*l*. There would remain 30,400 troops for 900,000*l*., or 100,000*l*. per month; consequently we pay little more than 3*l*. per man per month, and that sum includes the pay of the officers and men, all demands for half-pay, ammunition, camp equipage, field artillery, marching, quartering, remount of cavalry, recruits, and every incidental expence. This too was limited to the nine most active months of the year, and was certainly much less than it would cost us to bring raw and undisciplined troops into the field.

time he was sure the House must feel, that if those gallant officers merited praise for the able and skilful execution of the business on which they had been employed, those who had concerted the plan could not be altogether undeserving of some small share of approbation. Far was it from his wish, his Lordship said, to aim at separating the cause of those officers and ministers, or to make any invidious distinction; they deserved highly of their country; they embarked in a season of difficulty, on an expedition fraught with danger, executed their commands with gallantry, and well-deserved success had crowned their labours; far, therefore, would it be from him to deny them the smallest part of that praise so justly their due, or to detract in the least from their merit.

The Earl of Lauderdale said, he did not intend to have troubled their Lordships again, but he could not sit still under the insinuation made by the Noble Secretary of State in the commencement of his speech. The Noble Lord had triumphantly declined attempting to answer arguments, as completely answered before; which one Noble Lord had said he would not enter into, and another Noble Lord had said he would not touch upon, because his Noble Friend had left nothing to say. The Noble Lord might indulge his triumph; but, on one point, he should never display his eloquence in that House without receiving an answer. The Noble Lord had taken notice of his having said, that he detested the present government of France, and had argued upon it, as if he meant it to be understood, that he had on other occasions entertained and manifested sentiments friendly to that government. What authority had the Noble Lord to throw out such an insinuation, or even to hint a surmise that he was not as sincere and as much in earnest as himself in what he said on the subject? If the breach of the first solemn treaty of the King of Prussia, in July 1793, was adduced to shew there was no confidence to be placed in any future treaty, the answer was ready, namely, the French nation was irreligious, immoral, and dangerous to society. This was the answer to all the other truths, which Administration themselves were obliged, although reluctantly, to acknowledge. Did the Noble Secretary of State therefore throw out the insinuation to aid the purpose of his *lower hirelings*, and to furnish them with a hint to work upon and to improve?—

Order was generally called, and the *Marquis Townshend* rose to speak to order. He said, he did not understand the allusion of the Noble Earl. He professed himself to be a supporter of Administration, but was it therefore to follow, that he was to be branded with the description of a *lower hireling*?

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The Earl of Lauderdale in reply said, that he had as much respect for order as any Noble Lord; and he hoped there was not one Noble Lord besides the Noble Marquis, who understood him as the Noble Marquis had done; he knew too well, the respect due to the House, to its honour, its dignity, and the honest pride of its individual Members, even to entertain a momentary idea that the ministers had hirelings in that House. But he was not disorderly in saying that ministers employed hirelings; or, at least, if he was, he had to plead the example of much stronger language held in that House on many former occasions. He was speaking of men of a very different description; of a species of persons who were at the command of ministers, and at least supposed to be their agents and the propagators of those calumnies daily spread abroad to the prejudice of every Member of either House, who ventured to oppose the measures of Administration. No Noble Lord in that House, or out of it, should dare to calumniate him without the proper animadversion. His meaning was, that insinuations thrown out in that House, if not immediately repelled, might give a colour to calumnies disseminated elsewhere. The Noble Lord had made use of one argument as extraordinary as unexpected from such a quarter, and which he could not avoid reproaching; he had said that if the circumstances of the war were so critically situated, the country should be obliged to make one last desperate effort, to risque all, in order to record itself in the moment of extremity, a zealous and determined advocate of religion, law, order, and subordination. This was desperate language from ministers; and they ought well to consider whether or not the public ear was yet attuned to it. Would they, who ought to be the last to undervalue the resources of the country, put our all on the hazard of one desperate effort? Dreadful indeed must that situation be, into which ministers had plunged the nation, when such expressions were solemnly uttered by Noble Lords high in office in that House.

Lord Grenville in reply said, it was almost unnecessary for him to explain that which the Noble Earl had in so extraordinary a manner chosen to misunderstand, and he appealed to the House, whether one other Noble Lord could possibly have so misconceived his meaning. So far from stating that the country was at present compelled to a desperate effort, he had expressly said, that differing totally from the Noble Lords, who represented the state of the country to be desperate as they had described it; yet, for the sake of argument, admitting for a moment that it was so, he should hope that the zeal and patriotism of that House would stimulate them even in the

hour of the extremest danger, to make head against the difficulty, and resist its impulse. He appealed to the House whether on a day when the Extraordinary Gazettes that had been published proved that our cause was not desperate, it was likely that he should put such an argument as the Noble Earl had supposed? When he turned his view to the East or West India, and more especially to what had been achieved by the valour of the illustrious Prince who commanded our armies in the more important theatre of the war, he saw much ground for hope, but none for despair; and he reprobated the idea of separating the merit of the officers (who, as commanders in chief at Martinique, had been instrumental in the capture of that island) from the cause of the country: He gave those officers ample credit for their judgment, their skill, and their gallantry; but he much doubted whether they themselves would thank the Noble Marquis for distinguishing their merit in so extraordinary a manner.

The Earl of Lauderdale once more rose to reply and explain, which he did very shortly.

Lord Hawkebury closed the debate with an assertion, that, from the present aspect of affairs in the East and West Indies, and the signal successes of the gallant Prince and his brave army upon the continent, there could not be a doubt entertained, but that trade and commerce would flourish, in less than twelve months, more than it ever had done in this empire.

The question being loudly called for, the House divided:

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Majority 93

The Lords with white staves were ordered to wait upon his Majesty, to know when he would receive the Address.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, *April 30.*

PRUSSIAN SUBSIDY.

The Chancellor of the Exchequer moved the Order of the Day, for the House to resolve itself into a Committee, to take his Majesty's message into consideration.

The House being in a Committee, Mr. Hobart in the chair,

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The Chancellor of the Exchequer said, in his opinion the motion which he had to submit to the Committee related particularly to his Majesty's message on the treaty entered into with the King of Prussia; the most regular way, therefore, would be, to read the message. [The Clerk having read the message, the Chancellor of the Exchequer proceeded.] The Committee would perceive that there were two points contained in the message for their consideration: The first related to an agreement entered into between his Prussian Majesty, the States General, and his Britannic Majesty; the second point related more particularly to the House, being an application to them to enable his Majesty to fulfil the terms of the treaty, and to make provision for defraying the extraordinary expences of the present year; and also to provide against any unforeseen exigency which might possibly occur during the recess of Parliament. Upon the first part of the message he should chiefly dwell, and submit to the Committee such observations as occurred to him upon the subject. He was well aware of the importance of the measure to which the message referred, and that it would require no inconsiderable degree of attention and deliberation; not only from its magnitude, but from its nature and extent; for it called upon the Committee to enable his Majesty to fulfil his engagements, which, considering the exertions we had already made, were great; but still more important, if considered with reference to the contest in which we were engaged, upon the success of which depended the honour, the safety, and the very existence of Great Britain as a nation. In reflecting upon this subject, and in considering the interest we had in it, he would not hesitate to confess, that it certainly would have been more satisfactory if he had it in his power to state to the Committee, that the King of Prussia still continued a principal in the war, supporting himself from his own resources, than to declare that the court of Berlin was under the necessity of applying to any other power to grant it pecuniary assistance, to enable the King of Prussia to pursue it farther; but as this, however near it might be to his wish, could not be done, he felt it his duty, under such circumstances, to do as much for the general interest as it was possible to effect; and he trusted that such would be the opinion of the Committee. It might, perhaps, be matter of doubt and wonder to those who at a distance contemplated the situation of the different powers in Europe, and the interest that every civilized and well-regulated government had in the event of this war, how what he had just stated could fairly have happened; or that it could be consistent with wisdom and sound policy in the King of Prussia to risque the consequences which might possibly

bly follow the withdrawing his aid as a principal in the war. Such persons might not have expected, that, under so great a pressure of events, the court of Berlin could have been so inattentive to its own interests, as to abandon an object, in the successful issue of which, it was so deeply concerned. At the same time that the interests of Prussia must be allowed to be as deeply engaged in the event of the present contest as those of any other power, and that he has as many and as strong incitements to the vigorous prosecution of the war, it was to be observed that there might have been other circumstances, of great and important consideration, by which that court might have rendered the determination on the question more difficult to them, than it appeared to us. The House would recollect, that there were certain peculiarities attending the situation of that Monarch and his kingdom, which made it more embarrassing for him than any other member of the confederacy to maintain an army in the field. In point of resources, whether we consider them in respect of commerce, of revenue, of population, or constitution, the King of Prussia was far behind almost all the other allied powers. In that country, the scarcity of cash, the scantiness of resource, the circumscribed nature of the finances, which, though competent to support the expences of its internal government, and internal defence, were, at the same time, very inadequate to the permanent support of an immense army, carrying on military operations in a distant country at an enormous expence: Perhaps, under such circumstances, some might think that the King of Prussia was justifiable in looking for means to support that army from such members of the confederacy as were best able to afford him assistance; and more particularly from Great Britain, whose unexampled prosperity, unbounded national wealth, and vast resources, arising from the almost exclusive commerce of the world, enabled her, in a degree above all others, to meet any exigency with confidence, as its subjects had wisely applied a proper portion of the national wealth, to secure the remainder when the whole was at stake, and enabled her also to grant that assistance, which in a moment of general pressure was needed by one of her allies; and whose very wealth, prosperity, and resources, give her, a proportionally greater interest in the ultimate issue of the war. While we were estimating the expences of the war, it was our duty to take into consideration the nature of the cause in issue, and that we were not merely to calculate that we were to lay out a certain sum of money for certain objects of an equivocal or doubtful value, but it was our duty to consider it on its true and legitimate footing, namely, that

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we were engaged in a contest, upon the event of which depended our rights, our liberties, nay, our very existence; and then determine how large a part of our wealth we were ready to give, to secure to ourselves the possession of every thing that was valuable to man. This was exactly the point of view in which the subject, the Chancellor of the Exchequer said, struck him, with respect to Great Britain; but with regard to Prussia, it should be remembered, that the King acted not upon a fixed, permanent, ample revenue, but upon an accumulation, which, if exhausted, might perhaps as effectually destroy the security of his kingdom, as those very mischiefs, to encounter the effects of which he had undertaken the war. From a consideration how far the various resources which enabled a state to carry on war were in its power, or how far adequate to the end proposed, the court of Berlin might be induced to consider how far it was its interest to remain a principal in the war, and to doubt whether it might not be nearly less dangerous to the existence of its government, than to withdraw from the contest. Such considerations might possibly have led the court of Berlin to the determination it had taken; but such decisions were the abrupt resolutions of timid and panic-struck politicians, possessing neither courage nor political sagacity, when called upon to act on great and trying occasions; for certainly had he the honour of being one of the advisers of his Prussian Majesty, he should, notwithstanding these various considerations, have been a strenuous advocate for his continuing a principal in the war; and should have advised him to hazard every thing, rather than recede from the engagements he had made with the other allied powers; because he was well convinced, that the best security which could be obtained in the present crisis, would be a complete triumph over an enemy, who had declared itself inimical to all the powers of Europe. Such were the arguments he should have advanced in the Prussian cabinet, fully convinced, that, notwithstanding the great pressure of the danger, a bold, a manly, and a vigorous resistance, ought to be given to encroachments of a new and extraordinary power, which not only menaced the downfall of all governments, but the destruction of social and civil order amongst mankind. Whatever was the cause of the contrary determination of the Prussian Cabinet, whether her treasure was exhausted, or too rapidly exhausting, were points not at present material; it was enough, in the present case, to say, that, whether the court of Berlin thought itself unable, or expressed itself unwilling, to continue its efforts in the prosecution of the war, on its own account, and that, all the circumstances considered, it was justified in coming to such a

determination, that was by no means the situation of this country; and, however he might regret the conduct of the King of Prussia on the present occasion, yet he would say, that if his operations and assistance were necessary for the general cause, and that those operations and that assistance could not be secured without a compensation, that it was our interest and advantage to give such compensation; and this proposition he was ready to maintain, if any Gentleman should think fit to contend the point. Upon the grounds that the House and the Public had determined to support the war, he did not think there could exist in the Committee, or in the mind of any man who wished to see an end of the war, a doubt of the truth of this observation, and of the necessity and propriety of the step which had been taken. How far censure attached to the conduct of the King of Prussia, was at that moment of no consequence in the consideration of the subject immediately before the House; for the very circumstances which rendered his secession blameable, more strongly evinced the necessity of carrying on the war with vigour, of bringing in every force that could be procured in aid of it, and particularly of securing the continuance of those exertions which originally formed the ground-work of the confederate operations. It therefore only remained for the Committee to consider what the terms of the treaty were, what the assistance stipulated for was, and what the conditions upon which the assistance so stipulated, was to be granted. By the first article, "his Prussian Majesty engages to furnish an army of 62,400 men, conformable to the establishment which he has caused to be delivered to the ministers of the maritime powers, which establishment shall be considered as forming part of the present treaty. This army shall remain united under a Prussian commander, and shall act in the most effectual manner against the common enemy, either separately, or jointly with a body of troops in the pay of the maritime powers, or one of them. The said army shall be, and shall remain, as complete as possible; and shall be employed, according to a concert on military points between his Britannic Majesty, his Prussian Majesty, and their High Mightinesses the States General of the United Provinces, wherever it shall be judged most suitable to the interest of the maritime powers." In this number of 62,000 men was to be included 32,000, which, by other existing treaties, the King of Prussia was bound to furnish; 20,000 to this country and 12,000 to Holland; which was explained and set forth in the second article of the present treaty. The expence of these men, in the proportion of 50,000 men to be furnished to this country, and 12,000 to Holland,

Holland, amounts, at the rate of 50,000*l.* per month, to 600,000*l.* to which is to be added the sum of 300,000*l.* to be advanced for the purpose of setting these troops in motion; and another sum of 100,000*l.* to defray the expence of their return. In addition to these sums, there is to be added the sum of 1,200,000*l.* for bread and forage, at the rate of 100,000*l.* per month. This, however, was not to be considered as a total new and additional expence; because, by the former treaty, we were bound to pay, for bread and forage, a sum of 600,000*l.* for the 32,000 men to be furnished under that treaty, of which sum Holland must pay 225,000*l.* and we the remaining 375,000*l.* We were, therefore, only to consider as an additional expence, in the article of bread and forage, the sum of 600,000*l.* which would necessarily attend the furnishing with these articles the additional number of troops.

The next important point in the treaty, to which he should call the attention of the House, the Chancellor of the Exchequer said, was contained in the 6th article, by which "it is agreed, that all conquests, made by this army, shall be made in the name of the two maritime powers, and shall remain at their disposal during the war, and at the peace to be made such use of as they shall then judge most proper." On this article it was to be observed, that the interest of the maritime powers (England and Holland) alone was consulted, and that, whatever advantages were acquired by the exertions of this force, were to be applied solely to their benefit.

By the 8th article it was also to be observed, that it was provided, that the treaty should continue in force to the end of the year. He said, he deemed it necessary to call the attention of the Committee to this treaty, the result of which appeared to him to be this: That we were to be furnished with an army of 62,000 of the best military forces in Europe, for the support of the common cause, and for these troops we were to pay but a sum of 1,350,000*l.*; but we did not even incur all that additional expence; for if the sum we were bound to pay, under the former treaty, for bread and forage, be deducted, it would leave a sum of a little more than 900,000*l.* which could be fairly called a new expence.

The Chancellor of the Exchequer said, he had stated the amount of expence, and the troops which were to be supplied: Perhaps, however, it might not be quite sufficient to confine himself to this general statement of the amount. The considerations which naturally arose, were, first, Whether it was material to have this force at all? Secondly, Whether, from any power but Prussia, such a force could be obtained, or troops so desirable to be employed? This point he should not

argue, except he heard it contested. The point to which he wished more particularly to call the attention of the Committee, was, whether the terms of the treaty were reasonable or not? In doing this, he should take a view of the expences of this army, and compare it with the expences incident to the procuring of any other troops; and this he should consider in three points of view: First, the outfit; next, the subsidy; and lastly, the bread and forage. As to the first part, 400,000*l.* was the whole sum required to cover every charge of outfit and return, which, if divided by 30,000, the number of additional troops to be supplied, would amount to no more than about 13*l.* per man. This, compared with any other levies (and certainly it was injustice to compare them, considering with what readiness the Prussian troops could take the field), would be found less than the expence attending either. The bounty money paid to British troops was at this time 15*l.* per man, or more; and there was afterwards the expence of arming and clothing; whereas the Prussians were ready equipped for the field, without any expence beyond the first levy money. The Hanoverians, who were not subsidized, cost for levy money 13*l.* per man; and the troops supplied by Hesse Cassel and Hesse Darmstadt, though less in levy money, being no more than 8*l.* per man, yet by subsidy, and other incidental charges, they were brought much higher. And the annual charge for these Prussian troops would amount to something more than 20*l.* per man, including cavalry and artillery, which was much less than what either British troops or foreign mercenaries cost; the annual expence of Hessian troops being nearly 23*l.* per man, and those of Hanover about the same; so that comparing them with any other troops whatever, supposing we could procure others equal in readiness, and as valuable, the advantage was obvious. As to the bread and forage, they were articles upon which it was not possible to make an accurate calculation; but even upon the most disadvantageous that could be made, the expences on that head were much lower than those of former wars, and even as low as those of the present war. The sum to cover both rations and portions amounts to no more than 19*l.* 14*s.* per man per annum, including the horses, which amounted to about half the number of men. If this was compared with the forage of troops in Flanders, it would be found, that in the latter the expence for bread alone amounted to 6*l.* 10*s.* per man; and this was lower somewhat than it had been in former wars; and in this country the expence of this article was considerably greater. So that, upon the whole, the subsidy could not but be considered moderate in point of expence; and when it was further

further considered, that we had no alternative, it was difficult to conceive upon what ground any possible objection to it could be started. Did there then exist any other ground of complaint? It might perhaps be asked, how we were to dispose of those troops? It was certainly true, that we had not the same unlimited and uncontrouled command over them which we had over the Hessians, and other subsidized troops; but there was a material difference between the scanty portion of troops that could be afforded by the inferior states of Germany (which he declared he did not mean to undervalue in any shape) and the large army of the great military power with whom we were engaged by this treaty. Consider, we had at one stroke obtained 62,000 men of the troops of at least the second military power in Europe, exclusive of 20,000 left with our allies as the contingent for the defence of the Empire; and these brought forward at once, with all the advantages arising from being under the command of a Prince devoted to the achievement of military fame, and thirsting after military glory. Was it not natural for us to view him in that character, and prudent to apply to him in a manner the most likely to crown our application with success? With this view the command of these troops was to be given to a Prussian general; and it was, if we considered the effect of human opinion, prudent to give the command of these troops to a Prussian commander; because otherwise the idea of the Prussian Monarch acting as a principal in the war might be wholly abandoned, and its influence lost. Under all these circumstances, could there exist a doubt but that this part of the treaty was for our advantage? particularly, as it was expressly declared in the most positive terms by which any treaty could be made binding, that these troops were to be employed in the pursuit of such objects as might be judged the most conducive to the interests of the maritime powers; that was, Holland and Great Britain. Let Gentlemen look back to all the cases which had ever occurred of a nature similar to this, and then determine whether so much had been ever effected with a power of this description? Let them examine all the subsidiary treaties on our records, and see whether there had ever been a subsidy attended with such favourable circumstances, such controul of application to ourselves, and such complete reference to our own particular interests. In former wars, it had been found necessary to subsidize different powers to defend themselves against their enemies; not for any positive interest of this country, further than as connected with the general security and well being of Europe, but to preserve the balance of power, and the rights of independent nations; every one of

which cases went further than the present. We had in a former war subsidized the King of Prussia, to enable him to defend himself against Austria, and keep down her alarming increasing power, with whom we were not ourselves at war, being then only at war with France; and we subsidized the Queen of Hungary for the defence of her own dominions; whereas, in the present case, we subsidize Prussia solely for our own interests and benefit. The Chancellor of the Exchequer said, he mentioned these circumstances merely that the Committee might perceive the real nature of this treaty in a comparative point of view; and, under all its circumstances and bearings, he declared himself ready to maintain, that the present treaty was wise and prudent, the principal object being to bring the war to a happy and speedy termination, which could not be effected without energy and vigour. Considering it in this point of view, that we had procured the assistance of the first military power in Europe to a greater extent, and to purposes more conducive to the interests of this country, and on terms more advantageous than ever such an auxiliary had been procured before, the subject of discussion that night was, in his opinion, a subject of joy and satisfaction. He did not mean to say, that to pay a large sum of money was a matter of joy and satisfaction; nor did he think it a matter of joy and satisfaction to be at war, and to be obliged to risque the lives of our fellow-creatures; but when the ambition of an enemy compelled us to contend for liberty, property, and existence; in short, for every thing that reason or nature had rendered valuable to mankind, he conceived it must be matter of joy and satisfaction to every wise and honest mind, that the wealth of this nation was so freely given by its owners, to support, with vigour and effect, the honour and interest, and finally to procure the peace and tranquillity, of the nation.

Thus far he had consulted brevity, and had given his ideas to the House in a loose and general way, because he was well convinced, that there was no argument which he could use in support of the present measure, that had not been anticipated by a large majority of the House and of the Country. With regard to the other part of the message, it was a practice, sanctioned by usage and custom, to enable the executive government, by a vote of credit, to take such measures, during the recess of Parliament, as exigency might require. In such circumstances as ours, liberality was the best economy; for nothing would so effectually abridge the expences of the war, as granting a sum of money which would enable the executive government to take such extensive measures as would shorten the duration of the war. The sum which he should propose

to the Committee to vote as necessary, would be 2,500,000*l.* Of this sum 1,350,000*l.* would be applied to fulfil our engagements with Prussia, leaving a sum of 1,150,000*l.* to be disposed of as occasion might require. To this might be added 250,000*l.* voted already in the Committee of Ways and Means, and 230,000*l.* the surplus of the actual revenue of the quarter, to end in the 5th of April 1794, above the estimated revenue, which together would make a sum of 1,630,000*l.* to cover any extraordinary unforeseen expences which might occur. He desired it might be understood that he did not pledge himself that such sum would be sufficient for this purpose; for it might perhaps be deemed expedient to prosecute the war on a more extended scale, by which means it was the most likely to be crowned with ultimate success. The vote of 1,500,000*l.* last year more than covered the extraordinaries, which amounted to little more than 800,000*l.* principally for the purchase of corn. This year the expences would inevitably be greater: But whatever sum Parliament granted with liberality, the Government would use their endeavours to expend with prudence. Ministers would avail themselves of the large sums cheerfully afforded, and had no objection to be responsible for the consequences. He should therefore conclude with moving, "That it is the opinion of this Committee, that a sum "not exceeding 2,500,000*l.* to be raised by Loans and Exchequer Bills, be granted to his Majesty for the service of the "year 1794, to enable his Majesty to make good his engagements with the King of Prussia."

Mr. Fox said, it was necessary for him to say a few words upon that very extraordinary occasion, and the extraordinary manner in which the subject had been brought forward by the minister. The commencement of the speech of the Right Hon. Gentleman appeared to him to be of the most alarming tendency. It held out a system, which, if pursued, the wealth of this country, even supposing it to exceed the most sanguine hopes of the most liberal calculator, was comparatively nothing. It seemed to convey this idea, that we were not only to subsidize the King of Prussia, and enable him to carry on his operations in the war, whenever he might be tired of so doing at his own expence, but also to bear the whole expence of any other power, whenever that power should be in the humour to express the same inclination. The Right Hon. Gentleman had said, that if he had the honour of advising the Court of Berlin, he had no doubt which way his opinion should be given; because the existence of the nation depended on the issue of the contest; but that the Court of Berlin, from a consideration of the restricted commerce, the limited resources, and the nature and form

form of the constitution of Prussia (which, by the way, was no proof of its excellence), might have entertained doubts how far it was prudent to remain a principal in this contest; yet, notwithstanding these considerations, the Right Hon. Gentleman would have had no hesitation in advising that Court to have continued a principal in the war. The House would recollect therefore, that it was told by the minister of the King of England, that his ally, the King of Prussia, has been so ill advised, that he had taken the timid, the weak, the mean, the wicked, the shameful and scandalous determination, by abandoning the war, of abandoning his own honour, abandoning the interest and safety of his own subjects; this was the amount of that observation. The minister had not, however, stopped there; he went further, and said, since this was the case, since such had been the disgraceful conduct of Prussia, such the timid and pusillanimous result of the councils of the Court of Berlin, Great Britain should come forward, and press the King of Prussia to proceed contrary to the advice of his counsellors, and engage to bear the expence. What! when Spain, Austria, and all the other powers, might come to the same resolution? Yes, though all Europe should come to that resolution; for he had said, that from the moment that resolution was taken, it became our interest and our duty to stand in the place of this monarch, and to say to him, "Since you are so ill advised upon this business, and are determined to withdraw yourself from the contest, let us have your troops, and you shall have our money." Mr. Fox said, he wished to ask, whether the whole of that argument was not applicable to Spain, and to all the other combined powers, at present at war with France? This was not an idle speculation, it might soon become a reality. Did the minister know the resources of Austria? Had he any thing to say, that could give the people of this country any ground to hope that the same difficulty would not be felt by the other powers as had been expressed by Prussia? They had the same circumstances of difficulty with regard to their wealth and commerce; and all, except the Dutch, the same defect with respect to their constitution. Was there any inconvenience felt by the King of Prussia, that did not belong, in a great degree, to the Emperor, to the King of Spain, and to the other combined powers? What then was to be expected to be the result of all this? Why, that the whole expence would eventually fall on Great Britain. He laid the more stress upon this, because the whole force of the minister's argument was to this point. When this came to be coupled with the avowed object of the war, the total destruction of the French government, the situation of this country was

was dreadful. If we should be of opinion, that our existence as a nation depended on that point, as the minister's argument maintained, and the other powers should follow the steps of the King of Prussia, then, for the sake of our own existence, we might be brought to pay for every man and every horse in Europe employed against the French in the present dreadful contest. From our conduct in this war, it would seem as if we had been originally attacked in it, and Prussia not at all; as if France had attacked us in the East and the West Indies; and that the King of Prussia was only at war with France as our ally and assistant; but we all knew the fact to be otherwise, that the King of Prussia originally begun it; and, for any thing we could now prove to the contrary, it was that very beginning of his brought on the aggression made by the French on Holland, and which involved us in the contest. What does the King of Prussia say to us upon this occasion? Does he say, "Sorry I am that I have involved my friends in a disagreeable situation; that I have, without intending it, brought upon them the calamities of war; but now that I have done so, I feel myself bound, by every tie of honour and of justice, to double, treble my efforts to get them out of it?" No; the language was this, "I have got Great Britain and Holland into this contest: They are involved in it at this moment from my adventure, and my dominions are more remote, and consequently not so immediately affected as yours: I will discontinue my efforts, unless they chuse to bear my expences."—It was hardly possible for the mind of man to conceive a circumstance more odious, and liable to suspicion of every kind, than this conduct of the King of Prussia; it had in it such materials, and was composed of a mixture of fraud, perfidy, and meanness, perfectly new to all modern political history. He had declared it to be our cause, and not his; and that he would proceed no further on his own account. So infamous, indeed, had been the conduct of the King of Prussia, that it was impossible for any man of the least prudence to trust that Court in any thing; and yet this was the Court to which the people of this country were, by the proposal of the minister of the King of England that night, to pay 1,350,000*l.* for carrying on the war which that Court itself commenced. What security had we, even after agreeing to pay this money, that the King of Prussia would not say he had met with further difficulties, and make another demand of us, even in the course of this campaign? What confidence could we place in a person who had already betrayed all confidence? How did we know that the success of this application would not give birth to others? Though some might be disposed to blame them,

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yet in his mind Austria and Spain might come to us with a much better grace, with more honour, and with more reason, for a subsidy than Prussia ! All this while, however, he was mistaking the thing altogether. It was not Prussia that asked this of us, it was we asked it of Prussia ! It seemed as if the existence of Great Britain, as a nation, depended upon this assistance of Prussia ! This was a day of good fortune to England ! A day of joy and satisfaction ! Just as much a matter of joy and satisfaction, as if a patient were to be told, that if his limb were not amputated, he would die of a mortification. Such a misfortune would, in his opinion, be at least a matter of condolence, as painful in the operation, and doubtful in the event. He might exhort his friend to bear it with fortitude, and to submit with patience, as he thereby escaped a greater evil ; but he could never say, " My dear friend, I congratulate you on this happy day, as a day of good fortune ! I rejoice in the loss of your limb, as a matter of joy and satisfaction." It might have been wished that the minister had possessed a better taste than to have selected such a topic as a theme of joy ! It should have been spoken of as a scene of painful suffering, as it mournfully is ; such as this country had seldom, if ever, before felt ! Having said this, he wished to know in what light we were to consider the situation of the King of Prussia in the war at this moment ? It was at least extremely ambiguous. Had he ceased to be a principal or not ? Indeed, the minister had given no information on that subject ; for a good reason, because he had none to give. He had thought proper to allude to other treaties, and to take what he called a comparative view of them and the present ; and in doing this, he had recourse to a paltry cavil, unworthy of him. He was surprised that a man, pretending to any thing like intellect, or who had a mind of any size, should attempt it. He meant the allusion to the subsidiary treaty with Prussia against the power of Austria, in the war which ended in the peace of 1763. It was true, we had not formally declared war against Austria ; in that case we were at war, in the dry sense, only with France ; but had not Austria concluded a treaty with France ?

The next point to be considered was the command of the troops that were to be employed, and for which we are to pay the King of Prussia. The minister had said, it was proper they should be under the command of a Prince so fond of military glory. He did not expect to hear that it was matter of joy and satisfaction to the people of this country, that when their money was voted for the maintenance of an army, some officer of their own was not to have command and controul over them ; in the common course of common sense, it might have been

been expected, that those who paid them should command them, instead of giving the command to a person who had already afforded so very indifferent proofs of military integrity. And certainly it could not be deemed very prudent in us, to entrust the care of our interest (if that would be admitted to be any authority) in the conduct of the war, to a Prince, who, by his own declaration, had been too improvident of his own, to be able to carry on the war he had himself commenced.

The great object of all these kind of treaties was to enable the continental powers, with which we were connected, to fight their own battles with effect, and to create so powerful a diversion on the side of France, as to hinder the full effect of her naval exertions. When this was understood to be the nature and effect of these alliances, every contracting party, under the influence of private interest, was disposed to the utmost exertion for the common cause. But we were now so diffident of the zeal of our allies, that we were determined to make it entirely a British and Dutch concern; and yet we employed a Monarch to act in our behalf, who was unconcerned in the issue of the enterprises he might undertake.

The Right Hon. Gentleman (the Chancellor of the Exchequer) had been as perspicuous as he usually was in matter of detail, in his comparative estimate of the expence of this subsidy treaty, and those which have been concluded between this country and the other German principalities. Without examining into the *minutiae* of these different treaties, he would only remark, that, under the stipulations of the treaty of 1787, the King of Prussia was bound to furnish the King of Great Britain and the States of Holland with 32,000 men, for the sum of 600,000*l.* so that every shilling of the remaining part of the aggregate sum was appropriated to the payment and sustenance of the additional 30,000 men, which was at the rate of at least 40*l.* per man, exclusive of the four hundred thousand pounds which must be paid to the King of Prussia before he began his march; upon the whole, therefore, the sum of sixteen hundred thousand pounds was to be paid to this Prince during the first nine months of our alliance with him.

On this part of the subject it was not, however, his intention to dwell any longer, as the terms of this bargain gave rise to inquiries of very inferior moment, when compared with those more important suggestions which arose from the general view of the subject, and the character and conduct of the party with whom we had formed this alliance. He desired to ask the House, whether the perfidious conduct of the Court of Berlin to France and Poland were a sufficient motive to induce us to place implicit confidence in its future adherence to the

faith of treaties? Or could we hope to derive much benefit from the protection of the King of Prussia, when his having ruined his own subjects, and exhausted his treasury, were assigned as the principal reasons for affording him this supply of money? He was also under some difficulty as to the extent of the engagements under which the States of Holland had come by the stipulations of this treaty; for, according to its tenor, we were bound, in the first instance, to pay the King of Prussia the whole of this sum, and to take the collateral security of Holland for the amount of 400,000*l.* and the Dutch were only bound to make this payment in the course of the current year; whereas, by a separate article, we had agreed to continue it during the continuance of the war. The Right Hon. Gentleman was, indeed, better acquainted with the resources of the States of the United Provinces than he could pretend to be; but could he give the House any assurance that they could bear this expence for a longer period than the present campaign, however willing they might be to continue it further? He certainly entertained no doubt but that the Dutch would fulfil any engagement they had entered into; but surely no person could answer for them further than the extent of such engagement went. Indeed, the manner in which we had conducted ourselves to that Republic, was cruel in the last degree; and though he entirely pitied the several powers engaged in this contest, he felt most for the Dutch, who, he was convinced, had they been left free agents, would have avoided this war, and preserved the tranquillity and peace of their country by means of negotiation. At the commencement of the war, we were told that the Dutch were seriously aggrieved by the French. It was contended that we were bound to maintain to the Dutch the exclusive navigation of the Scheldt: But did they complain of the infringement or aggression? Certainly they did not: They would however have complained; but such was their situation, and such their awe of the French, that they dared not. Now Gentlemen began to speak more openly, and ridicule those who could be so weak as to believe that these were the grounds of the war. One Right Hon. Gentleman had exclaimed, "A war for the Scheldt; a war for ——— what is too indelicate for me to mention in this place. [*Alluding to Mr. Burke, who had on a former day, exclaimed, A war for the Scheldt! a war for a chamber-pot!*] Do you really think so? Are you really such fools? Are you such ideots as to think that what was held forth in the King's speech, and in the Address of this House, in answer to it, as the pretences of the war, to be really the objects of the war?" "Sir (said Mr. Fox), to tell you the truth, I am not

not that fool; for I never did think so; and I as much believe that ministers went to war for the exclusive navigation of the Scheldt to the Dutch, as they would for the mean object alluded to by the Right Hon. Gentleman."

Was it probable that this measure of subsidizing the King of Prussia would be in the end effectual? The different powers in the combination were in distressed circumstances already. If report spoke truly, this application for a subsidy to the King of Prussia was made to other powers before it came to us: Others had had an opportunity of sharing in the glory of this day, but they declined the honour; it was reserved exclusively to Great Britain. If report spoke truly, the Emperor had the offer of that honour. If report spoke truly, the King of Spain had the same honour. If report spoke truly, they were all unable to defray their own expences; even the Empress of Russia was in that situation. It was prudent of them not to engage to defray the expences of others, before they were able to discharge their own. He spoke only from general report, but he believed it to be pretty nearly of as good authority as the manifesto of the King of Prussia: From that he learnt that the treasuries of these powers were already exhausted; and if so, we were to be the only power who were able to advance any more wealth in this dreadful war. It became us to look our situation manfully in the face, and to see what the probability was of our being able to bear it. He perhaps thought more highly of the resources of this country than the most learned man who had ever yet spoken or written upon the subject; but as an Hon. Friend of his (Mr. Whitbread) had said, they were like every thing else in human affairs, not infinite, but finite; they therefore should not be opposed to expences that were infinite; with those sentiments of the object of the war which we now professed, and which our allies know to be the sentiments of our government, it would be needless to higggle about the amount of a subsidy; as the assistance of the allies, and their continuance in the war, was admitted to be necessary to our existence, they had nothing more to do, than to settle what subsidy it would please them to receive, and, by the arguments of the minister, that subsidy must be paid.

On the opening of the budget, the Right Hon. Gentleman had stated, that he should take a vote of credit for two millions only; and now he proposes a vote for half a million more. If the Prussian subsidy was then in expectation, as he doubted not but it was, the fair inference from this would be, that our bargain with Prussia was not as good as we had reason to expect; but, driven to the necessity of obtaining his assistance at all events, we were obliged to comply with his unreasonable

demands: According to the Right Hon. Gentleman's own statement, it appeared, that, from the sum of two millions to be voted, together with the surplus of 230,000*l.* there would be a sum of nearly 900,000*l.* which could have been applied to this subsidy, and which he believed was something more than it was expected to amount to; but being mistaken in this calculation, he found it necessary to come for another half million; from which it was fair to conclude, that the bargain was worse by this sum of 500,000*l.* and 230,000*l.* the amount of the surplus of the quarter ending the 5th of April, making together 730,000*l.* than the minister himself expected; which was one argument, at least, that the bargain was not that very excellent one he had taken such pains to represent it to be.

In point of expence, the present year would be found to be one of the most expensive this country had ever experienced. Let it be considered, it was but, in fact, the first year of the war, and we might be assured that the expence would increase every year during its continuance. When the people took this into their consideration, when they reflected on the extensive scale on which taxes have been imposed in the present, and the load that must be unavoidably laid on in the next year, even though a peace should be immediately concluded, and connect with this consideration, the dreadful and extravagant principle of subsidizing all Europe, the present day, he believed, would not be to them a day of joy and congratulation, but of real rational concern. They must see that if the present system were to be persevered in, this country would be soon reduced to the exhausted state in which Prussia was at present; but, unlike Prussia, she would have no Great Britain to recur to for assistance; no credulous dupe to supply her wants: She would find her allies equally, and perhaps more, exhausted than Prussia, who, in his opinion, was not even at this day the poorest of our allies. For these various reasons, and an anxious desire to avert a great and impending evil from his country, Mr. Fox said, he should propose an amendment to the resolution moved, by which this treaty might be avoided. He therefore moved, "That the sum of 1,150,000*l.* be inserted "in the place of 2,500,000*l.*"

Mr. Windham said he should trouble the House with a very few remarks, in reply to what had fallen from his Right Hon. Friend, from whom, on the present question, he totally differed. His Right Hon. Friend had made use of no argument whatever that could induce him, or the House, to give their vote against the question as originally moved. Great and strong general arguments had been used; but they only could be taken as reasons against war in general, and were not applicable

cable to the circumstances of the present war: Nor had the gloomy prospects, held out as the effects and consequences of war, any conclusive tendency, that ought to dictate to Gentlemen the vote which they were that night to give. In his mind, the only reasoning, and the only question, to be debated, was, Whether the present assistance to be secured by the treaty with Prussia, was worth purchasing at the price to be paid for it? and then, Whether, being a necessary and proper aid to ask, it could be obtained in any other way, or at a cheaper rate? On these points his Right Hon. Friend had not given the House any thing like an intelligible argument: He had no hesitation in saying, that the terms of the treaty on the table, were the best and cheapest that could have been got, and that the whole of the measure was politic, expedient, and absolutely necessary. One argument of his Right Hon. Friend, he thought was very improperly put to the House. He had said, What security was there that our other allies might not soon be in the same situation that Prussia was? might we not be called upon next year in a similar way by Spain, by Austria, and by other powers with whom we were allied in this war; and if so, where would be the end of it? Would any person say that the resources even of Great Britain would not be so exhausted, and drained, by such extravagant demands, that finally she must yield to her embarrassed circumstances, and know not where to apply for relief? In this way to give up our cause to despair, was more the language of peevishness and passion, than he had been accustomed to hear from his Right Hon. Friend.

With regard to the different allusions that had been made to the conduct of Prussia at other times, he did not mean to enter at all into them; but allowing, merely for argument's sake, that it had deserved the epithet of disgraceful, and all the others which had been applied to it, still he desired to know, when such assistance was materially necessary to the cause and the objects in which this country had engaged, who there was that would refuse to give the terms proposed by the present treaty? The question then came shortly to be, Whether the assistance of the King of Prussia was necessary, and what price was it worth? And upon that question alone Gentlemen had to make up their minds, and give their votes accordingly. It had been stated as a matter of inconvenience, and possible danger, that the troops contracted for by this treaty, were not to be entirely at the disposal and direction of this country as to the conduct of their operations; and the uncertainty of the part which Prussia might take in the future events

events of the war, had likewise been mentioned. Mr. Windham said he did not consider that that point had been fairly argued by his Right Hon. Friend; nor that it was fair to infer from any thing that had fallen from the Right Hon. Gentleman opposite, that by the stipulation, which gave the King of Prussia a right to conduct, in a certain degree, the operations of those men which he was bound to provide for the common cause, we gave a power to a military monarch merely to increase his own military glory, and not to promote it in such a manner as we might deem beneficial to the interests of this country. It ought to be remembered, that there were two words to every bargain; and certainly the treaty provided, that if we were bound to the King of Prussia, there were likewise conditions by which the King of Prussia was equally bound to us.

With regard to the inability of our other allies, to go on without demanding subsidies from us, however that might be used as a general argument, there was no chance of its applying to the present circumstances of the war. Austria had taken her share in the whole of it, and had acted largely, by sending at least 180,000 men into the field; and unless we found it a desirable thing to be in alliance with the present detestable system exercising in France, and to give up our other alliances, Mr. Windham declared that he could not see the shadow of a reason or argument for resisting terms so favourable as those proposed by Prussia, when in our power to obtain them. He confessed that he expected to have heard more arguments than had been yet brought forward against it; but he was pleased to find that even his Right Hon. Friend, with all his ability and ingenuity, had not been able to adduce any. He had argued chiefly against the principle of the war, and not against the terms of the treaty; but that appeared not to come within the limits of the present discussion, and the opinion of the House was sufficiently known upon it before. With regard to the comparison which Mr. Fox had made between the Chancellor of the Exchequer's calling the present a day of joy and congratulation, because, by this effort, we might save the country from destruction, and calling a day on which a friend might lose a limb a day of congratulation, because by amputating it a mortification might be prevented, or even his life might be saved; certainly in that case, even as the Hon. Gentleman had stated it, he should think it a day of congratulation to a friend, though he might suffer a considerable degree of pain, and be at the expence of a limb, that, upon these terms, his life was saved.

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The question was then put upon Mr. Fox's amendment; but not being put exactly as he meant it,

Mr. Fox said that he understood the regular way of moving an amendment to such questions as the present, was by proposing to vote the smaller sum; because it might be presumed that the House was more inclined to vote a small than a larger sum of their constituents' money; though he owned there had been nothing in the late practice of the House which confirmed that opinion. He had likewise to add, that though he only proposed to alter the sum, the intention of his amendment was to disapprove all that followed of the original resolution.

The Committee divided on the amendment:

<i>Ayes</i>	33
<i>Noes</i>	134

Majority 101

The original resolution was then put and carried; and the report ordered to be received*.

CONTRACTORS.

Mr. Thornton, after some remarks on the manner in which Government contracts were sometimes disposed of, in many instances, to the great disadvantage of the Public, moved for leave to bring in a Bill to explain and amend so much of the Bill commonly known by the name of the Contractors' Bill, as disqualifies persons holding Government contracts to sit in Parliament, and to enact that in future all contracts shall be made by public advertisement, and given to the person who shall offer terms the most favourable to the Public.

Mr. Chiswell seconded the motion, and stated, that, in consequence of the existing Act, Government were obliged to pay a greater rate for certain articles, than they could be served for, if Members of Parliament could make these contracts.

Mr. Sheridan opposed the motion, observing that this was a serious question, and merited the attention of the House. It was his opinion, though the country might gain a small advantage in the articles alluded to by the Hon. Member, that it would lose a great deal in respect to the independence of Parliament and the excellence of its constitution. The Act in question had been made upon mature consideration, and with the best intentions; and to repeal it would be to open a door to corruption, which the framers of that law had taken some pains to shut. To repeal it, and admit contractors again to seats in Parliament, would lead to this mischief, no other part of the Bill would be observed, and contracts would be

* For a copy of the treaty, vide the Appendix to this volume.

disposed

disposed of for the purpose of influence in that House, as before.

Mr. Rolle said, that doubtless that law was a wise and excellent law, made upon mature deliberation, and under a conviction of its necessity, and that it would be proper to stop any attempt to repeal it in the first instance.

Mr. M. Robinson objected to bringing forward such a proposition at such an hour, without previous notice.

Mr. Thornton said he had given notice of it two days before, and every reasonable opportunity for consideration and discussion should be given on the future stages of the Bill.

After strangers were ordered to withdraw,

Mr. Joliffe said he should support the motion, because he had always disapproved of the whole of the Bill which it proposed to amend.

The Chancellor of the Exchequer also approved of the motion, but not on grounds quite so extensive.

The House divided on the motion:

<i>Ayes</i>	48
<i>Noes</i>	24

Majority 24

The House then went through some private business, and adjourned.

HOUSE OF LORDS.

THURSDAY, May 1.

SLAVE TRADE.

The Duke of Clarence said, as business of great importance was likely to take place next day and engage the attention of the House, in which the Noble and Learned Lord* would be occupied, he would move, that the Order of the Day for the further hearing of Evidence on the Slave Trade, be discharged, and the Order be appointed for Tuesday the 6th.

Lord Auckland said, the next would be a heavy day, and the Learned Lord engaged.

Earl Stanhope wished that, for the accommodation of business, the House would chuse a Speaker, without intruding on the Noble and Learned Lord's time so much. Business might then go on, though not so well, perhaps, as if the Noble and Learned Lord was present, but not part of the business, such as moving to take down his words, and things of that sort might as well done by another person. If a Speaker were chosen, they

* Lord Loughborough.

should

should be able to make more progress, and take up less of the Noble and Learned Lord's time.

The Duke of Clarence did not believe that any Noble Lord meant any thing illiberal or indecently personal; he must therefore persist in his motion, and for that reason moved to discharge the Order of the Day respecting the Slave Trade.

The Bishop of Rochester agreed with the Duke of Clarence. The Order was discharged, and a new Order made for Tuesday.—Adjourned.

HOUSE OF COMMONS.

THURSDAY, May 1.

At four o'clock the *Speaker* counted the House; and there being only thirty-six Members present, the House necessarily separated.

HOUSE OF LORDS.

FRIDAY, May 2.

SLAVE TRADE.

On the second reading of the Bill to abolish the Trade in African Slaves, to the West India Islands, in British vessels,

Lord Abingdon said, "I rise to trouble your Lordships with a few observations in opposition to the principles of this Bill, purporting to be, as it is, 'a Bill for abolishing the Trade carried on for supplying Foreign Territories with Slaves.'

"And having already, upon a former occasion, incontrovertibly shewn and demonstratively proved to your Lordships, beyond the reach even of sophistry to dispute, or argument to deny, that this proposition, namely, that for the Abolition of the Slave Trade, is a French proposition; that it is grounded in and founded upon French principles; that it means neither more, nor less, nor other, than *liberty and equality*; that it has THOMAS PAINE's *Rights of Man* for its chief and best support; that its origin in this country, I mean its Parliamentary origin, was in consequence of correspondences held by individual Members of Parliament here with individuals of the National Convention of France, and by the intercourse of existing clubs in both countries; that by being carried into effect in France (whilst we are *pari passu* following the same system and example), it has had in the colonies of France all the direful effects deducible out of and necessarily flowing from such principles, namely, those of insubordination, anarchy,

confusion, murder, havock, devastation, and ruin—I say, my Lords, having laid these plain truths before your Lordships, it is not my design here to press this ground of objection any further; and yet before I leave this topic of argument, may I be permitted to appeal to the House—may I be allowed to address myself to the Right Reverend Bench of Bishops, and in particular to the Right Reverend Prelate whose mind has been so readily made up upon this occasion, and to ask him, whether he has ever seriously applied these considerations to this subject, and has viewed it in the light in which it is here placed? And if he has, will he say, that he does not find in it that spirit of novelty and innovation which are the characteristic marks of the present times? Will he say, that he does not see a strong affinity and relationship between this proposition for the Abolition of the Slave Trade, and those other propositions of reform which the new philosophy of the age is now so loudly calling out for? Does he believe from his heart, that the freedom of negroes in Africa and the West Indies is the real motive of this proposition, and that there are not other reasons less remote and much nigher home upon which it has its foundation and bottom? In a word, cannot the Right Reverend Prelate, with his microscopic eye (for as a man of science a microscopic eye he must have), perceive in this proposition seeds of other abolitions different and distinct from that which it professes, and which may not sooner or later grow up to the downfall even of that very Bench on which he and his Brethren now sit so much at their ease in this House? But here I leave these reflections to that consideration of them which their importance might seem to require.

“And now the next ground of objection to the principle of this Bill is of a more immediate and direct nature, nor by inference, nor by *inuendo*, nor by deduction of argument, but drily, plainly, simply, and unequivocally this—that it is in open violation and avowed subversion of one of the *three* leading and fundamental principles of the constitution of this country. What these principles are, every body knows, or at least ought to know, though I fear they are not so well understood or attended to as they ought to be.

“True it is, that the constitution of this country is, as it is said, *in ore omnium*, but more truly *in mente nullius*—talked of by all, but in the understanding of none. But be this as it may, the constitution is still the same, and these its leading and fundamental principles being “the right of personal security, the right of personal liberty, and the right of private property.” I say, that this proposition for the abolition of the

Slave

Slave Trade is in open violation and avowed subversion of one of these three fundamental principles, namely, that of *the right of private property*; a right so sacred, that, as a late venerable and learned law Lord of this House once affirmed of the representation of this country, that there was not a blade of grass in it that was not represented; so, with the same emphatic truth, may it be here said, that there is not a blade of grass in or out of this country appertaining to it that is not the immediate subject of the *inviolability* of this right. And yet, what is the proposition? Under this constitutional right of this country, 70,000,000 of private property vested in the West-Indies alone, not to speak of the immense profit of the trade itself, sanctioned in its use and enjoyment for a period of two hundred and thirty odd years, and thus supported by the *prescriptive* right of the common law of the land, and not only supported by the prescriptive right of the common law of the land, but *guaranteed* by divers and repeated Acts of Parliament, is, what?—is now, by a few *silly* words in a *silly* Act of Parliament, not only to be violated, but to be put to the risk and hazard of total annihilation and destruction. And for what? will any body speak out and tell me? Is it to obtain the votes and interest of any description of men in this country, in order to secure the seats of individual Members in another House of Parliament? Is this possible? But if it be, what do the owners of this property say, what does the constitution say, what must the nation at large, in event, say? All sufferers in degree, must they not say, as the frogs did to the school-boys in the fable, who were pelting them with stones, “this is sport to you, my boys, but remember it is death to us?” But be the cause what it may, is it an act of justice? Who will say so? Why then it is an act of injustice. And shall this House (the dernier resort of justice) sanctify an act of injustice? But if it did, what is to be the compensation? what the *quid pro quo*? Is it restitution, or reparation for the damage to be sustained? No, no, no such thing. What then? Is it any thing solid or substantial? Not that either; but it is a non-entity; it is that which the metaphysicians call an *ens rationis*, a creature of the understanding, a mere abstract term in moral philosophy called *humanity*, and which, *vi termini*, is to balance the whole of this *great* and *enormous* account.

“But here again, leaving these reflections to your Lordships’ consideration, I shall now state one other objection, and one objection only; and that is not to the principle of the Bill, but to the Bill itself; and that in a few words, and which objection is this—that of all the *indecent* Bills that ever were

brought up to this House, this appears to me to be the most indecent; for what is the case? The resolution of your Lordships upon this business I think is in these words:

‘Ordered,

‘This House do forthwith proceed to inquire into the present state of the trade to Africa, and particularly the trade in Slaves; and also into the nature, extent, and importance of the sugar, coffee, and cotton trade, and into the general state and condition of the West India islands, and the means of improving the same.’

“And now, what is this Bill? In total disregard of this resolution, pending the inquiry that has been instituted, before that inquiry is one-half finished, and of course before all your Lordships’ minds *at least* are made up upon this very question, here comes a Bill anticipating our deliberations, and calling upon us to do that which at best our judgments are not ripe to perform. Now, my Lords, what motive the other House of Parliament might have for this procedure, it is unnecessary for me to inquire into; but this I know, that they have no right to dictate to us. Let them mind their own business, and we will take care of ours; and in the rejection of this Bill, with which I shall cordially concur, be it remembered, that this will not be the first time, even within my memory, that this country and this constitution have been saved by *this House* from the rash and intemperate measures of the other.”

Lord Grenville said, he had long since made up his mind on the subject, from the inquiry that had been instituted in another place, when an examination into facts had been gone into in the fullest manner. He wished to see the Slave Trade abolished, not on motives of humanity and propriety solely, but as a positive act of duty. That House had engaged in an inquiry not yet finished. The Bill sent up by the House of Commons proposed an abolition of the Slave Trade in a partial though a material branch; however he might wish as an individual to see the whole of the trade abolished, his Lordship said, he could not bring himself to press the House to pass such a Bill pending the progress of the inquiry. His Lordship said, he earnestly wished the House would find means to hasten the inquiry, that they might proceed to take the necessary steps towards an abolition of the trade *in toto*. In the mean time he should think it expedient to postpone the second reading of the Bill for three months, and moved a question accordingly.

The Bishop of Rochester rose to concur with the motion of the Noble Secretary of State, but wished to say a few words in justification of his own consistency, having taken so ac-

tive

tive a part towards the procuring of the abolition of the piratical trade carried on upon the coast of Africa, so shocking to humanity, and so revolting to every feeling of justice, religion, and christianity. The French part of the island of Domingo was in our possession, and probably so were other West India islands. There was therefore, from a change of circumstances; a new situation of affairs, and before they proceeded further with the Bill, he wished to know how matters were to stand with regard to the West Indies? Another reason why he would concur with the motion was, that the Bill appeared to be perfectly nugatory and unnecessary just at present. The island of Domingo belonged partly to us and partly to the Spaniards; when the negroes were landed on one part of the island, a walk could take them into the part occupied by the Spaniards. It was evident, therefore, that the Bill would be fruitless. The Bishop professed himself to be the determined enemy of French principles, and what was termed the Rights of Man, he utterly denied. He should therefore concur with the motion of the Noble Secretary of State, and for the reasons he had assigned, feel that he acted with perfect consistency by giving his vote in support of it.

The Duke of Clarence said, as he had taken so active a part in the business of the Slave Trade, he was glad he should be able to concur in the motion of the Noble Secretary of State, and with the Right Reverend and Learned Prelate, for learned he must be, as he had shewn in point of geography, by telling their Lordships that the island of St. Domingo belonged partly to us and partly to Spain, and that when the negroes were landed at an English port, they might walk into the Spanish territory. His Royal Highness said, that, convinced as he was of the injustice and impolicy of abolishing the trade in any shape, he would vote for the motion of the Noble Secretary of State, with whom he was very happy to coincide on this occasion.

Earl Stanhope charged the Secretary of State and the Bishop of Rochester with having changed the principles they had so often avowed in respect to the Slave Trade. He said, he admired the logic of the Noble Secretary; he wished for a *speedy* abolition of the whole trade, and therefore he would put off the Bill. Such logic was close, it must be convincing; for his part he had not changed his principles, he was still an enemy to the Slave Trade in every part of it, and if the Bill were, as the Noble Earl (Lord Abingdon) had declared it to be, founded on liberty, on equality, and on French principles, he liked it the better, and never would be afraid to support any

any measure founded on liberty, on equality, and the Rights of Man. He said, he knew he should be in a small minority, that night, but if he stood alone, he would divide the House against adjourning the second reading of the Bill. The Earl warmly reprobated the conduct of the Noble Secretary and the Bishop, and said, it was clear why the Bishops were ready to abandon the Bill, *viz.* they learned that its tendency was to overthrow the Bench of Bishops. He professed himself to be a Jacobin, and he hoped he should continue so to the last hour of his life. *Jacobinism* not being an English word, every man had a right to give it what meaning he thought proper. The Noble Earl had well defined it to mean French principles, liberty, equality, and the Rights of Man. The Bishops, he confessed, had something to do with the question, as it concerned religion. After more observations Lord Stanhope concluded with declaring that he gave the Noble Earl (Lord Abingdon) credit for having said, that the Bill sprung from French principles and the Rights of Man.

Lord Grenville said, the Noble Earl, as their Lordships must be aware, had totally mistated every argument he had used. He was not at all surprised at this, because it was the Noble Earl's constant practice; but he would appeal to their Lordships whether he had not distinctly said, that he thought it improper to press their Lordships to adopt the Bill pending the inquiry, however much he was a friend to the Bill itself; but at the same time expressed an earnest wish that they would hasten the inquiry, in order that all reasonable obstructions to the Bill passing might be removed as soon as possible. The Noble Earl, his Lordship observed, had laid down one curious doctrine, *viz.* that *Jacobinism* not being an English word, every man had a right to put what construction he pleased upon it. In that doctrine he could not concur, in praising that which was termed liberty, as the result of Jacobinical principles. He denied that the Bill had any relation to the argument that had been built on it, or to the overthrow of the Bench of Bishops.

The Earl of Abingdon said, he had little expected to have the Noble and Illustrious Personage (the Duke of Clarence) against him that day, as he had the honour of conferring with him on the Bill's being first brought into the House, and they had both agreed, that it was such a Bill as ought not to pass. As to the other Noble Earl, he did not wonder at his argument, holding the opinion that he did. His Lordship accused the Bishop of Rochester of having avowed a friendship for either Brissot or Condorcet, as philosophers.

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The Bishop of Rochester said, he had no hesitation to admit, that there had been times, when he should have been happy to correspond with *Monsieur Condorcet* as a philosopher and a man of science.

The Earl of Lauderdale rose to take notice of what was said by the Noble Secretary of State and the Right Rev. Prelate, both of whom had, by their arguments that day, proved themselves converts from their former opinions, and he was glad to take them as such. For his part he reprobated anything beyond a gradual abolition, declaring that he was as earnest a friend to a gradual abolition as any man, but would not consent to a sudden and premature total abolition of a trade long warranted by the law of the land, and encouraged by repeated acts of the Legislature, under the sanction of which a large and numerous description of persons had embarked their fortunes, and staked very large sums of money. Notwithstanding the Right Rev. Prelate had thought proper to bestow pompous phrases upon it, and call it a *piratical trade*, he should contend that the Slave Trade was to all intents and purposes a legal trade, as legal as any other trade whatsoever. His Lordship declared he concurred in that part of the Noble Earl's (Lord Stanhope) speech, which charged the Noble Secretary of State and the Right Rev. Prelate with inconsistency and having changed their opinion, without assigning sufficient reason for such change.

The Bishop of Rochester admitted, that the Slave Trade had the sanction of law, and at different periods of our history various laws had passed, which the wisdom and the good sense of the Legislature had repealed. His Lordship said, he could not consider the Slave Trade, as carried on along the coast of Africa, to be other than a piratical trade, because it was so in every reasonable view that could be taken of it.

Earl Stanhope said, he had been so often appealed to, that he must say, what he had on a former occasion declared, that when the House of Commons carried their question for the gradual abolition of the Slave Trade, he had written a letter of information upon the subject to a gentleman of respectable character and situation at Paris; not *Monsieur Condorcet*, but *Citoyen Condorcet* was the person.

The question was then put, and the House divided:

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Majority	41

HOWARD'S DIVORCE BILL.

The Order of the Day being read for the House to go into a Committee on the Bill,

The Duke of Bedford said, that before going into the Committee, he wished to address their Lordships for a few minutes. Since the last night when this Bill was under discussion, he had received a letter from Lady Elizabeth Bellafaye which he held in his hand, in which her Ladyship begged him to return their Lordships thanks for the trouble she had already occasioned them, and authorised him to give up the annuity of 250l. which by the Clause he had moved, and the Committee had adopted, when their Lordships last sat on the Bill, she was to receive; but she hoped and trusted that the 7000l. to be paid her, chargeable only with such debts as she might have contracted since the 24th of July last, would not be deemed too much for her maintenance by their Lordships. It was therefore his intention in the Committee to propose a Clause to this effect. Before he sat down, he was happy in having the opportunity of so full an attendance to repeat, what he had before declared in a thin House, that in every thing connected with this Bill, where he had taken any part or spoken, he never had meant, but studiously avoided every thing that could possibly be construed into any insinuation or allusion in the least reflecting upon Mr. Howard, because he knew that none such could be justified by that Hon. Gentleman's conduct.

The House then resolved itself into a Committee, the *Earl of Suffolk* in the Chair.

The Duke of Bedford brought up his Clause.

The Duke of Norfolk said, that the Clause proposed for this allowance to the lady by the Noble Duke on a former night was at a late hour. He understood the judgment of the House to have proceeded upon the Noble Duke's having stated that this was a case peculiarly entitled to the indulgence of the House. This he must take upon him to deny, as he conceived it to be injustice to Mr. Howard, and more particularly, because not only in that House, but in the world at large, an idea had gone abroad, that the marriage was contracted against the lady's consent and inclination, and this with the knowledge of Mr. Howard. If the fact had been so, or if it could be proved that Lady Elizabeth had been left neglected, or ill used by her husband, then indeed, it might be so termed, but not as the circumstances of the case really stood; and he could prove to the Committee, from documents in his hands, that this was not true—

The Duke of Bedford interrupted, and replied upon this expression, and explained what he had said on a former occasion.

The Duke of Norfolk rejoined.

Lord Auckland spoke to Order, declaring that if the two Noble Dukes meant to occupy the time of the House by battling about the expressions used by them respectively in a former debate, he must put a stop to such irregularity.

The Duke of Norfolk said, it was incumbent on him to state the expression, because he meant to object to the amendment, and to shew that Lady Elizabeth was not entitled to the indulgence claimed for her. In order to do this it would be necessary for him to read several private letters, to prove that she had not been compelled to marry Mr. Howard; if any Noble Lord chose it, he might move to have the House cleared, but as every thing came out in public in a court of law, he saw no use in their Lordships making that a matter of privacy to themselves which was well known already to the Public.

Lord Auckland said, he had regularly attended his duty in that House, and had been present at every former debate, and as not the smallest reflection of any kind had been cast on Mr. Howard, there could be no occasion for the Noble Duke to hurt the feelings of their Lordships, and do a violence to his own, by reading private letters, which it must give pain to every man, who was a father, to hear. His Lordship appealed to the Lord Chancellor if there could be any necessity for reading the letters in question.

The Lord Chancellor left the woolpack (though it was extremely painful for him to stand) to make his earnest intreaty to the Noble Duke not to read the letters. A report had been propagated by the newspapers that Lady Elizabeth had been compelled to marry, but it was wholly unauthentic, and it was well known by their Lordships that the fact was otherwise. He had himself received a letter on the subject from a Noble Earl, who had desired him to read it to the House; he had declined doing so from a consciousness that he should have done a serious injury to all the parties if he had complied with the request and executed the commission. In the course of the proceeding, there had not been the smallest reflection cast on Mr. Howard. To what end read private letters, and go into matters of a delicate nature, which were in no sort relative or necessary to be explained? He concluded with repeating the request to the Duke not to read the letters.

The Duke of Norfolk rose again, and said, Mr. Howard was greatly superior to all pecuniary considerations, and did not

with to lessen what the Legislature should deem proper for Lady Elizabeth, but he saw no reason whatever why he should be saddled with Lady Elizabeth's debts, or the expences of the suits she had put him to. His Grace explained in what manner the 12,600*l.* which had been said to be her dower, was constituted. Part of it, he said, came from her mother's estate, and a doubt had arisen whether it could legally become the right of Lady Elizabeth? but that question, he believed, was now at an end. The money, however, still remained in her father's hands, Mr. Howard having only received the 5000*l.* and the 2000*l.* stated in one of the clauses of the Bill. His Grace, after this explanation, said, he had it in commission from Mr. Howard to shew that Lady Elizabeth had brought her present situation on herself, by her own misconduct; and that she was not entitled to the indulgence claimed. In order to prove this, he must have recourse to the materials with which he had been furnished, and read several private letters.——

Lord Auckland, after in vain remonstrating with the Noble Duke against reading the letters, moved that the House be cleared.

Strangers therefore were desired to withdraw.

The Bill went through the Committee, and was ordered to be read a third time.

THE EMIGRANT CORPS BILL

Was read a second time; and, upon a motion that it be committed on Monday, May 5th, *Earl Stanhope* opposed the commitment. The House divided for committing,

<i>Contents</i>	24
<i>Non-contents</i>	1

Majority 23

It was understood in the House, that this Bill would be debated on Monday, May 5th.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, May 2.

A new Writ was ordered for Pontefract, in Yorkshire, in the room of *John Smith, Esq.* who had accepted the place of Lord Commissioner of the Treasury.

A new Writ also for Hastings, in Sussex, in the room of the *Right Hon. Sir Richard Pepper Arden* (Master of the Rolls), who had accepted the Chiltern Hundreds.

ELECTION

ELECTION ACCELERATION BILL.

On reading the Order of the Day, for the recommitment of the Bill, for the further prevention of delay of Elections of Members to serve in Parliament,

Mr. Fox moved several instructions to be given to the Committee for the repealing of several parts of some Acts of Parliament, which related to the oaths of abjuration, &c. administered to Electors; the effect of the instructions expressed by clauses to be inserted in this Bill was, to do away that and some other oaths on that occasion.

A short conversation took place upon the subject between *Mr. Fox* and *Mr. Yorke*, *Mr. Hawkins Browne* and *Mr. Dent*, when the Bill was recommitted.

The House in a Committee went through the several clauses; the Report was then brought up, and ordered for Monday the 5th.

PRUSSIAN SUBSIDY.

Mr. Hobart brought up the Report of the Committee on the King's Message, giving his Majesty a Vote of Credit for Two Millions and a Half, to answer the exigencies of the present year, and to enable his Majesty to make good his engagements with the King of Prussia.

Upon the motion for reading the Report a second time,

Mr. Sheridan rose, and said, that after what had already past on the subject, no person could rationally entertain very sanguine hopes that any opposition to that measure would be attended with a good effect; and perhaps the granting a few millions of the money of the people of this country might not be considered a matter much deserving the care and attention of that House. Under that impression he might have contented himself with giving his silent negative to the resolution, were it not on account of the very alarming rumour of a disastrous event abroad, of which he understood ministers had received official dispatches, and which he feared were but too well founded. The circumstance to which he alluded, was the report of the total defeat of General Clairfait, together with the loss of his entire camp, baggage, ammunition, and stores; and that the French were in actual possession of Menin, Courtray, and Werwicke, and were at that moment bombarding Ypres. Every man must feel the most sincere regret at such intelligence; and it should necessarily increase the desire and wish of every man in that House to strengthen the hands of Government, enable them to repel as much as possible the threatened danger, and provide for the safety of the country. Such, however, was the effect of that unfortunate intelligence

on his mind, that it increased, at the same time, his objections to the present measure, because he considered it to be a measure, the success of which, under the most favourable circumstances, was doubtful. He should, therefore, think it a more wise and prudent plan for us to claim from the King of Prussia the performance of the treaty of 1788, and to employ the remainder of the sum to be voted in some other way which might tell more to the public advantage.

Considering the present difficulties of the country, he could have no objection to agree to the vote of two millions and a half, but he certainly had the strongest objection to its proposed application; and he must needs say, that of all the topics which the Chancellor of the Exchequer had ever chosen for panegyric, none had been worse adapted than the good terms of this bargain with the King of Prussia; as it struck him to be the most prodigal, the most profligate, and extravagant treaty, ever made by any minister of this country. Had we called on the King of Prussia, and he had fulfilled the treaty of 1788, we should have had 32,000 Prussian troops for a whole year for 600,000*l.* of which sum we should have had to defray 400,000*l.* and the Dutch 200,000*l.* Under this treaty we were to have 30,000 men, for which we were to pay 1,600,000*l.* The question of economy the Right Hon. Gentleman could not adduce in his favour with any degree of modesty or propriety. The minister, on a former day, had compared this with various subsidiary treaties, and the expence of these troops with that of the Hessians and Hanoverians. If he wished to have done justice, and compared things similar in situation and circumstances with each other, he should have compared the present treaty with the treaty lately concluded between this country and his Sardinian Majesty; and then, perhaps, the point of economy might have been a little more distinctly seen: But that depended, in a great measure, upon the light in which we were to consider his Prussian Majesty as being placed. Was he a mere hirer out of mercenary troops (like some other Monarchs) in the present war? Or was he a party himself, or a principal in the cause? If the latter, it became us to see how this treaty stood in point of economy, as compared with others. By the treaty with the King of Sardinia, 50,000 troops were to be furnished in support of the common cause, for which he was to be paid 200,000*l.* By the present treaty the King of Prussia was to furnish 30,000 men, and to receive the enormous sum of 1,600,000*l.* From that statement let Gentlemen judge of the economy and prudence of the bargain. There was, besides the goodness of the bargain, another question to be considered: Had the King of Prussia

Prussia these 62,000 men ready equipped and prepared for action, or were we to wait until they were prepared and put in readiness? If we were to wait for them, he contended that the stipulation was a gross imposition upon us, and we might advance our money for nothing. If, on the other hand, he had them prepared, it was a gross imposition to call upon us by way of subsidy, for assistance to produce an army which he could produce without our assistance, and which he was bound in honour to do; for what was it but calling on us to complete that which was complete already?

In the view which he had taken of the subject, Mr. Sheridan observed, the House would clearly see that we might avoid the enormous expence of the present treaty, by calling on the King of Prussia to fulfil the treaty of 1788, by which he was bound to furnish us with 32,000 men for something less than 400,000*l.* and we should then be at liberty to apply the remaining sum of money, which was almost 1,600,000*l.* in some other manner more conducive to the interest of the nation; for he must openly and fairly say, that, after what we had witnessed, we could not, in wisdom or prudence, place confidence in any engagement or promise of the King of Prussia. When he used the terms *the King of Prussia*, he meant nothing personal; he alluded only to the King of Prussia's Councils and Court of Berlin. It was not his intention to dwell on the breach of treaty with Poland, his conduct to that unhappy country was too notorious to need a comment; but he must call to the recollection of the House, that, at that moment, ten short months had elapsed since that Prince, with other powers, had entered into a convention with us, and solemnly engaged not to lay down his arms without the mutual consent of the contracting parties, or till every place taken by the French should be given up. It was true that he left some small loop-hole in that treaty, by saying, "if circumstances would permit," of which he had taken advantage; and yet in 1794, in the height of the war, he laid down his arms in direct violation of the faith and true spirit of the treaty. Though *he* might not be pledged to Naples and Sardinia, *we* were. So far had that treaty deceived us. Was there, then, any reason to place any extraordinary confidence in the promise of such a Prince? In his mind, to advance a single guinea, or place the smallest reliance on the engagements of such a Court, would betray a total want of prudence and discretion.

With regard to the treaty itself, Mr. Sheridan declared, he saw not any thing in it which could give it a better title to confidence than any of the other engagements of the same power

power had deserved. He saw that it contained many very crafty provisions for the King of Prussia, which would effectually counteract the provisions made in behalf of this country. In the first article it was stipulated, "That the King of Prussia shall furnish an army of 62,000 men; but this army was to remain *united* under a Prussian Commander, and should act in the most effectual manner against the common enemy, either separately, or jointly with a body of troops in the pay of the maritime powers, or one of them." Did not that stipulation exclude a junction with Austria, or any other of the allied powers? And was it not pretty evident that that exclusion of Austria was intended, perhaps, in consequence of those disputes and petty quarrels which happened in the course of the last campaign between the Austrian and Prussian troops employed on the Rhine? Suppose these troops should be successful, and capture any towns or fortresses, Dunkirk for instance, how were they to be garrisoned? It being provided by the treaty in question, that the Prussian troops were to remain united in a body, and were not to be divided. (*The Chancellor of the Exchequer said, No! no!*) Mr. Sheridan said, that he asked pardon if he had mistaken the construction of the treaty; but surely if words went for any thing, the King of Prussia might refuse to make any detachments from his main army. Perhaps the words of that treaty, unlike those of treaties in general, were not to be regarded as conveying the sense of the treaty. It was also agreed by that treaty, that this army should act according to a concert on military points between the contracting parties, where it should be deemed most essential to the interests of the maritime powers. But if it should be the opinion of the maritime powers, that the execution of any certain plan would be for their advantage, in what manner could they oblige the King of Prussia to undertake it with his army? They were to act according to a military concert between the parties; if the King of Prussia should not think such a plan advisable, there was no way of compelling him to undertake its execution, or those troops over which he had the command; nor would he by such refusal infringe the letter of the treaty, however he might the spirit; for, he presumed, as no stipulation was made to that effect, the majority was not to decide; and therefore one dissentient voice against a measure would be sufficient to prevent its being carried into effect; so that any disagreement of opinion amongst the contracting parties, as to the object of action, must be fatal; for it would not be an easy matter to persuade those to act against the opinion of their Sovereign, who was to be at the same time their General.

Another

Another point worthy of consideration in this treaty, was the care his Prussian Majesty had taken of his own immediate interests with regard to the time of payment of the subsidy; and though his conduct had been such as to render it imprudent to place the smallest reliance on his promises or engagements, yet our ministers had wisely placed an implicit confidence in the good faith of that Monarch. We had agreed to pay, before he moved a single soldier, a sum of 600,000*l.* that is 100,000*l.* for out-fit and return; and the first month's subsidy, 50,000*l.* and for bread and forage for the first month, 150,000*l.* according to the third and fourth articles of the treaty. After he should have received this large sum of money, what assurance had we that he would perform his part of the agreement; or what dependence should we place on his promise? Was it not possible that some disturbances might break out in his new-acquired possessions in Poland? that, or some equally important cause, might afford a plea sufficient for his Prussian Majesty to break the treaty; as such matters might, in his opinion, be of more consequence than any loss of reputation he could sustain from any new breach of faith. Thinking, therefore, that treaty to be highly impolitic and improvident, and that we ought not to place the smallest degree of faith in the Court of Berlin for the performance of any engagement; knowing that, under the treaty of 1788, we had a right to call on the King of Prussia, if at all disposed to trust him, to furnish 32,000 men at an expense of but 400,000*l.* to the country; and conceiving that the remainder of the sum voted might be much more usefully applied to the public service, he should move, as an amendment, "That all that part of the Resolution of the Committee which relates to the fulfilment of the engagement entered into with the King of Prussia be omitted, so that the Resolution will be left merely a vote of credit for two millions and a half."

Mr. Martin declared that the present war appeared to him to be conducted very much like the American war, which he had opposed from its first commencement, as he had likewise done this. He was of opinion, long before the conclusion of that war, that the minister who conducted it ought to have been brought to answer for his conduct; though it was by no means his wish to speak harshly of a man who was no more; yet he must say, if such had been the case, and that minister had been called upon to answer to the Public, that he believed, in his conscience, that the present ministers would not have ventured to involve their country in the present destructive war; or, having involved us in it, that they would

would not have conducted it in the scandalous and improvident manner in which it had been conducted.

The resolution was then read a second time, and Mr. Sheridan's amendment put.

Mr. Fox said, that after having delivered his sentiments upon this subject in general, he should at present confine himself to a few points: He thought that the House had at least a right to be distinctly informed in what situation the King of Prussia stood with regard to the present treaty; whether merely as a Prince, who hired out his troops to fight, in a cause in the event of which he was not interested; or whether we had entered into this treaty with the King of Prussia as a person interested and engaged as a principal in the war, but who was unable to prosecute it further without pecuniary assistance. In either of these points of view, the present treaty appeared to him ridiculous and improvident. If the King of Prussia was to be regarded in the first light, as a Prince who hired out troops, was it not a circumstance unprecedented, that the command should not be in the persons who subsidized those troops; especially when the troops so hired cost more than troops in a similar situation had ever done? *Mr. Fox* said that he should at present confine himself merely to the question of expence; not that he approved of the other parts of the treaty, but because they had been already debated. We were to pay for these 30,000 troops, if we kept them a single year, 1,600,000*l.* If the war lasted another year, certainly the expence would be somewhat less, because the sum of 400,000*l.* for out-fit and return, would be spread over two years, and then it would be 1,400,000*l.* per annum. If for four years it would be 1,300,000*l.* spreading the expence of out-fit and return over the whole time, which, upon comparison, would be more expensive than the same number of Hessians or Hanoverians. For the sake of argument, we admitted them to be less expensive; if they were more economical, it was to be remembered, on the other hand, that we retained the entire command and disposition of the Hessian and Hanoverian troops; but of these Prussian troops we were to have neither command nor disposition; and the execution of all the projects, though for British purposes, was left in the King of Prussia's hands. If we looked at any other treaty, we should find that the price to be paid under this present treaty was larger than we had ever paid for the assistance of troops over which we had had the entire command; and as we were to have no command whatever over them, the price was enormous indeed. On the other hand, if we considered them as the troops of a Prince

Prince engaged in the war, we must naturally look to the late treaty entered into with Sardinia: By that treaty 50,000 men were to be supplied for the support of the common cause, for which we paid but 200,000*l.* If we were to pay in proportion to this subsidy for 30,000 troops, the expence would be no more than 120,000*l.* but, instead of that sum, we were to pay 1,600,000*l.* In 1756 we subsidized Frederick the Great, uncle to the present King of Prussia; let us compare the terms of that treaty with the present: He was to furnish 150,000 men, for which we were to pay 670,000*l.* According to this rate, we should pay for 30,000 troops, to be furnished now, about 135,000*l.* instead of the enormous sum of 1,600,000*l.* For Gentlemen were to consider, that this sum was not paid for 62,000 men; because in that number were included the 32,000 men stipulated for by the former treaty of 1788. Waving that consideration for a moment, for the sake of argument, let them compare these treaties, and see how they stand. When the 600,000*l.* to be paid under the treaty of 1788, was added to the 1,600,000*l.* it made a sum of 2,200,000*l.* which we were to pay, instead of the sum of 220,000*l.* which should be paid at the rate of the treaty with the late King of Prussia; or 240,000*l.* which was the extent of what should be paid at the rate of the late treaty with Sardinia. Instead of paying 220,000*l.* as in the one case, or 240,000*l.* as in the other, we profusely squandered away the enormous sum of 2,200,000*l.* so that in the one calculation this treaty, as compared with others of a similar nature, was in this latter statement ten to one against us: In the former, which was the true statement, it was fourteen to one against us. But from the ambiguous situation of this Monarch arose other difficulties. When the question between us and him, was a question of expence, he said, "I am not as much interested in the event of this war as you are; so you shall bear the whole of my expence." But when it became a question of who should command the troops, or to what objects they were to be directed, he would immediately say, "I am a principal in the war, am equally interested in its consequences with you; I can as well judge of the effect of its operation to our mutual benefit; and will have the sole command over my own troops." Such conduct was really intolerable; it was a tricking, shifting, shuffling behaviour in this Prince, acting, no doubt, by the advice of his council; but that is no reason why the people of Great Britain should become the dupes of such knavery. He, for his part, wished to have the situation of the King of Prussia fairly stated: If he were a mere hirer of

men, never was there such audacious, impudent conduct, as to insist on the command and disposal of the troops he had let out for hire : If, on the other hand, he was a principal in the war, whom we subsidized, the present treaty, compared with others of a similar nature, was, according to one calculation, fourteen to one, and, even according to the most favourable, ten to one, against this country. He therefore hoped that Gentlemen would a little consider how far they could answer to themselves, and to their constituents (he did not mean their particular constituents, but all their constituents in the general sense of the word, the people at large), for having in a few days voted such an enormous sum of money, without any possible opportunity of conversing with them on the subject. He wished to ask them, if they could consider themselves entitled, by such conduct, to the character of faithful stewards? It was too much, that the wealth of this country should be so profligately lavished, and prodigally squandered, to answer the unprincipled rapacity, or contemptible finesse, of any Prince or Court in Europe.

The Chancellor of the Exchequer said, that the amendment, proposed by the Hon. Gentleman (Mr. Sheridan), differed very much indeed from that proposed by his Right Hon. Friend on a former evening, and which he then supported. That Hon. Gentleman's Right Hon. Friend (Mr. Fox) had objected to the magnitude of the sum to be voted, and proposed a less; the Hon. Gentleman (Mr. Sheridan) had offered no objection whatever to the sum, but disapproved of its application; and in that he was also supported by the Hon. Gentleman who had moved the amendment on the former day. It was desired to be known, what was the situation of the King of Prussia: He could not perceive the smallest ambiguity in the situation of that Monarch; the treaty on the table was perfectly explicit on that point, and in his mind no better explanation could be given on that subject. The King of Prussia, on the face of the treaty, appeared to be a principal in the war, which he was unable to carry on any longer with vigour without some pecuniary assistance; and his force, for which we had engaged to pay, was to be employed immediately for our interests; and all the conquests to be made by this army were to be made in the name of the maritime powers. This was exactly the situation of Prussia. But both the Hon. Gentlemen had lost sight of the main consideration, which was, whether the advantage to be derived from a large body of troops of one of the first military powers in Europe, was worth the money which we had engaged to pay for them? Without entering upon a repetition of what he had
already

already so fully explained on that point, he should content himself with only remarking, that the sum of 1,200,000*l.* which we were to pay for the additional 30,000 troops, in addition to another body of 32,000, to be furnished according to the stipulations of a former treaty, was a sum considerably smaller than we could possibly have procured troops even of an inferior kind for from any other quarter. It would be tedious for him to enter into a minute calculation of the several incident expences, which he had so fully explained in the Committee on a former day. As to the comparisons that had been made between the present and other subsidiary treaties, upon examination, they would be found not to have the smallest application whatever. And first, the treaty entered into with the King of Sardinia (and here he wished to call to the recollection of Gentlemen, their own great argument against that treaty), which, though it formed the principal distinction between the two treaties, was an objection as weak in policy, as frivolous in the application. Gentlemen objected to that treaty, that we subsidized the King of Sardinia to defend his own dominions, though, by so doing, the allies were enabled to create a diversion, and to make an impression on the other side of France; but, at the same time, there was a material difference between employing a Prince to defend his own dominions, and create a diversion in our favour, and employing a Prince to bring his troops into a distant country, and fight solely for our interests, and apply his conquests to our advantage. The same difference existed between this treaty and the subsidiary treaty entered into with the late King of Prussia. It was true, we were to pay him but 670,000*l.* for which he was to keep on foot an army of 150,000 men; but how were these men to be employed? merely in his own defence; and all the benefits arising from these exertions were to be applied to his own, and not to our use. The Right Hon. Gentleman had said, that he used a cavil, when he asserted, on a former day, that, when the subsidiary treaty was made with the Court of Berlin in 1756, Austria was not then at war with this country, against whom the Prussian troops (which we subsidized) were to be employed; for, said he, Austria had entered into a treaty with France, who was our actual enemy. He repeated his assertion, and said that we were not at war with Austria at that time; for surely the Right Hon. Gentleman, if he remembered the treaty at all, could not forget that one express stipulation of that treaty was, that it should not interrupt the harmony and good understanding that existed between the courts of London and Vienna. So that, upon a fair examination, it appeared, that neither of those treaties had

the smallest similitude to the present; by those, Prussia and Sardinia were subsidized for their own defence; and all their exertions were to be made for their own particular advantage. By the present, we subsidized the King of Prussia to march his troops to an immense distance from his own territories, to fight our cause; and all his exertions were to be the attainment of such objects as might be esteemed beneficial to us. He would not contend with Gentlemen, that to have 32,000 men for 600,000*l.* was not infinitely cheaper than to have in addition 30,000 men at the additional expence of 1,200,000*l.* but it was unreasonable to suppose that the King of Prussia would now lend us such a body of troops, upon the same terms for which he agreed to furnish them in consequence of a defensive war, for which he was to look to an equivalent assistance from his maritime allies, in case he should be attacked. As to the other observations, he did not think it necessary to take up the time of the House in answering them, as they had been already fully discussed in the Committee, and because the objection to the measure was at present confined to the expence merely, which, in his opinion, had been fully answered; he therefore concluded with declaring, that he should give his negative to the amendment.

The House then divided:

<i>For the amendment</i>	32
<i>Against it</i> -	82
	—
<i>Majority</i>	50

The original resolution was put and carried.—Adjourned,

HOUSE OF LORDS.

MONDAY, *May 5.*

FRENCH EMIGRANT VOLUNTEER BILL.

Lord Grenville having moved, "That the Bill for taking the
" Emigrants into the Pay and Service of Great Britain, go into
" a Committee,"

The Earl of Lauderdale rose, and made a few objections to the manner in which a Bill of so much importance had been hurried through the House. For the present, his Lordship said he would content himself with merely noticing the indecent precipitation with which the Bill had been hitherto conducted; and should reserve himself to speak at large on the merits of the Bill when he had heard ministers deliver their sentiments upon the subject,

Lord

Lord Grenville said, that there had surely been sufficient time since the Bill had been in the House for every Noble Lord to have made up his mind upon it: Had it been a measure introduced by him, he should certainly have deemed it his duty to have explained its nature and principle; but it having come from the other House, he did not consider himself as called upon so to do. Independent, however, of those considerations, the Bill had been printed for the inspection of their Lordships, and therefore he should not take up their time, unless any objection should be made to it which required a specific answer.

The Bill was then committed.

Lord Albemarle rose, and said, that, as the object of the Bill had not been explained nor its principle debated, he presumed he was not out of order in stating his objections to its principle and its contents, which he did upon three grounds; namely, as being unconstitutional, inhuman, and impolitic. With respect to his first objection, his Lordship observed, that it was unconstitutional to keep foreigners in British pay, and especially to permit them to reside in the body of the country, he believed no one would venture to deny: It was so deemed undoubtedly upon the wisest grounds and the most prudent principles; for the security of the liberties and the constitution of this country. It was, indeed, provided by the Bill, that those troops should not proceed above five miles from the sea-coast; such a provision however, if they found themselves inclined to break through, was too weak to prevent it; and as to the possibility of its effect, it was too childish to require an argument upon the subject. With regard to the inhumanity of the measure, that was too palpable for any Noble Lord to doubt, who reflected for one moment upon the circumstances under which those persons would go into the field of battle. Their countrymen had already declared they were determined not to give quarter to any Frenchman that they should take in arms against them; this was a threat which, it was well known, they had, in several instances, put in practice; was it not therefore inconsistent with every idea of humanity to call upon individuals thus situated to take part in a contest likely to prove so sanguinary? Was it not a measure greatly tending to increase that ferocity which necessarily in some degree attended every species of hostility, and that had particularly marked the progress of the present lamentable war? Was it not, in fact, a measure tending to augment the horrors of war, and to encourage the most cruel retaliation and barbarous vengeance? As to his objection to the Bill on the ground of its impolicy, it might, his

his Lordship said, be sufficient to observe, that those persons had not emigrated from one and the same political principle, but had quitted their country from various motives, rendered different by the circumstance of time and by the several changes that had occurred in the progress of the Revolution in France; and upon that account only, it was not to be expected that they would act with cordiality, or that any dependence was to be placed on a body of men who had in view such a variety of objects. It might, his Lordship said, also be asked, whether, by uniting with these persons, this country was to make theirs a common cause, and that we were to continue the prosecution of this ruinous war until those unfortunate emigrants should have full restoration of their property? The object of the war was at present undefined; how long we were to continue in it, was yet a mystery; and the further we went on, the more were we involved in darkness as to the end in view. For these reasons he should certainly oppose the Bill.

Lord Hawkebury rose in defence of the Bill, and explained its nature and principle. His Lordship expressed his astonishment at hearing the objections that had been urged against the Bill by the Noble Lord who had just sat down; but declared that, in his mind, those objections had very little weight or importance. The Bill, his Lordship contended, was in its principle strictly constitutional, and in its intention perfectly humane. In support of his assertion, and in answer to the Noble Lord, he would refer the House to a perusal of the Bill itself. So far from any danger being to be apprehended from the operation of the Bill, by such an introduction of foreigners as might be thought to endanger public liberty and to threaten the constitution, by the present Bill it was expressly provided that not more than 5000 of the troops to be raised by virtue of it, should be in this country at one time, and that even those should not be landed in Great Britain except in cases of sickness or necessity. If, however, such necessity rendered it unavoidable to land them in this country, if sickness compelled it, for the purpose of sending them to Jersey or Guernsey, the Bill in such case specified that they should not be suffered to advance from the coast more than five miles into the country. With respect to the inhumanity of the measure, and the dreadful effects that the Noble Lord had deprecated as likely to result from it, his Lordship said, that for his part he entertained no such apprehensions. As the unfortunate men who were the objects of this Bill never bore allegiance to the present existing government in France, but had quitted their country, the more decidedly to express their disapprobation of its conduct, and abhorrence of its principles, he could not
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entertain an idea that the circumstance of their being embodied would be productive of savageness and barbarity. To the present government of France, if an usurpation and tyranny the most oppressive to the individuals who resided in the country, and the most dangerous to every neighbouring nation, and to the very existence of civilized society, might be honoured with the name of government, they owed no allegiance; for the treatment that the Hugonots experienced from Louis XIV. was mild in comparison with the persecution that they had suffered from it. Besides, as to the probability of their being put to death, as the French upon no principle whatever could justify such a line of conduct, he did not think the circumstance by any means likely to occur. As to the third and last objection of the Noble Lord, namely, the impolicy of the measure, as to its tendency to prolong the war, his Lordship declared, that he did not see how the war could be prolonged by enlisting those men. On the contrary, as the war must cease as soon as the object of this country, namely, the destruction of the present system of government in France, should be accomplished, of course, by the aid of those who must naturally be anxious to recover the property so unjustly wrested from them, that end would be consequently expedited. His Lordship concluded with requesting the House to notice, that he desired it to be understood, that neither he nor his Majesty's ministers pledged themselves to the establishment of any specific form of government whatever; that was a subject for future consideration, and till the first object was obtained could not call for their deliberation.

The Earl of Thanet rose, and spoke in opposition to the Bill. His Lordship declared that he was not a little surprised that the principle of humanity was urged in favour of a measure, which he was persuaded would be productive of every species of barbarity that savage vengeance could execute. His Lordship observed that, by the principle of this Bill, his Majesty was empowered to enlist as many foreigners as he thought proper: That the Commons, who held the purse of the nation, should have acquiesced in such an alarming measure, had, he confessed, considerably amazed him. The affairs of France formed at present a common topic of conversation; and it was well understood, that the Allies wished to restore the old and detestable Monarchy in that country; and, by this Bill, the agents of that despotism were selected for the purpose of facilitating its restoration. This was a circumstance that would render these unfortunate men abhorrent in the eyes of their countrymen, and would excite that ferocity which his Noble Friend had deprecated. As to what had been said of not suffering

them to march more than five miles into the country, that was no security at all; as they could, under the sanction of this Bill, have possession, not only of our fleet, but Portsmouth, and all our valuable military depots on the sea-coast; and in that case, where would be the liberties of the people? where the constitution of the country?

The Earl of Lauderdale expressed his concern to hear the measure defended by ministers on the narrow ground of its being an act of charity merely. With respect to the Bill, it had his most hearty negative, in whatever point of view he regarded it. That the war was prosecuted for the purpose of overturning the present existing government of France, was a fact, his Lordship remarked, that had been at last openly avowed. The Noble Lord, however, who had made that declaration, had said, that ministers had not fixed on giving the French any other in return: This, in his mind, was the most extraordinary mode of producing order and tranquillity that he had ever heard of. Thus had ministers, after repeatedly shifting their ground, ventured at last to assert their specific object; an object which was as singular, strange, and absurd, as the former declarations that had proceeded from them. He was not surprised not to have heard the Noble Lord (*Hawkesbury*) dwell upon the excellence of these troops, when he recollected what had been asserted on a former night, that the Prussian mercenaries were preferable to those of various petty German Princes, amongst whom there could be no harmony, and on whom, of course, there could be little, if any dependence. He, however, was of opinion, that it would have been much better to have applied to the Continent for troops, than to enlist those who must excite animosity, and prolong the war, if the French were even disposed to listen to propositions of a pacific nature. These men could not consistently take the oath prescribed, as many of them had taken the oath in France administered by the Constituent Assembly. Did the Noble Lord, he would ask, suppose that the conversation in the House that night could have any effect on the conduct of the National Convention of France? With respect to those unfortunate men, who was there that could promise security to them, if taken prisoners? As long as men were influenced by their passions and interest, those men, many of whom composed the nobles of that country, could not hope for favour, or entertain a prospect of reconciliation. With regard to the state of France at this moment, every man who remained in France was in a better situation, and had better prospects than he had before the Revolution; and they must look upon those Emigrants with a jealous eye, of whose lands they were in possession.

tion, if they attempted to engage in the war against their country, and to regain the property of which they had been divested.

Another question deserving of consideration presented itself to their view; a question which he by no means conceived an abstract principle: And this was, the sentiments our troops were likely to imbibe, by serving in conjunction with men possessing those despotic principles, so repugnant to the feelings of freemen, and the notions of liberty that Britons entertained. However much had been said in reprobation of France, and of the Jacobin clubs in that country, Government should reflect, that it had recourse to *clubs* to support its own measures; and in the Alien Bill, the French Finance Bill, and others, they had condescended to imitate the conduct of those whom they so strongly reprehended, and so violently abused. He should, for these reasons, object to the present Bill; he should object to every measure that tended to render that war more ferocious than it is; and convinced he was that the language of the Noble Lord, who declared that ministers had it for their object to overturn the present government of France, was calculated to make the people of that country more unanimous in prosecuting the war than it was even at the present period.

Lord Auckland said, that the principal objections made by the Noble Earl (Lauderdale) to the Bill, seemed to be, 1st, That it carries with it an implication that we are making common cause with those who have exiled themselves from their country: 2d, That it will add to the ferociousness and cruelty already too prevalent in the war: 3d, That it will tend to prolong the war, by purporting to destroy the government now existing in France.

To all these objections, thus generally stated, it might perhaps be sufficient to give this general answer, that we are engaged in a war of defence and self-preservation; and that the measure in question is consistent with the laws of war and the rights of nations, and has a tendency to promote our success in a just cause. He would however discuss the subject more particularly. And, first, with respect to our making common cause with that unfortunate multitude which had been driven from their families, their fortunes, and their country; would it not be evidently desirable to give arms and employment to persons who have an interest in the war, if not precisely the same as ours, at least conformable to ours? They are seeking to re-establish a regular government in France, in order to recover and repossess their rights and properties; we are seeking to re-establish a regular government in France, in order to restore peace and tranquility

lity to Europe; in other words, in order to retain our rights and properties.

Suppose for a moment that the persons who are the objects of this Bill were not French, but individuals of other nations, bred up to arms, and willing to serve for moderate pay, during the war in which we are involved; would it not, in respect to such persons, be an evident object of political economy, an efficient measure of war, to put arms into their hands, and to bring them into action in order to preserve our own population by employing foreigners, and to have the aid of disciplined troops instead of forming new levies?

How then is the case varied by these persons being natives of France? robbed of their property, and forced from their country, have they not a right by the law of nature and of nations to join us? and have we not the best pledge of the sincerity and good faith with which they will serve in reducing that tyrannical faction, which has ruined them, and which menaces destruction to every power in Europe?

If it would be expedient and justifiable to have availed ourselves of the services of French who have not emigrated, such, for example, as the Royalists in Poitou and Brittany, and other French provinces; it would surely be equally justifiable, and perhaps equally expedient, to employ persons who have been driven from those provinces. The Noble Earl had objected to them that they might differ in their opinions; it might be so; their political principles may vary, but they will all coincide in demolishing the Jacobin tyranny.

In answer to the objection that the Bill will add to the ferociousness and cruelty of the war, it might with truth be said, that the barbarity of the regicide armies is already such, that it cannot be increased. But if it was meant to say that the persons to be employed under this Bill would, when prisoners of war, be murdered by their countrymen, that assertion may unhappily be true. The service, however, will be voluntary: It will be the choice, the honourable choice of the emigrants to expose themselves to the risk from motives of loyalty to their sovereign, from sentiments of affection to their country, and from attachment to their religion. He would not enter into the question of retaliation, because he thought it utterly improper to be agitated in Parliament.

It remained only to say a few words on the Noble Earl's objection to the measure as purporting to destroy the government now existing in France. There seemed to be a fallacy in the expression; we are not seeking to destroy a government, but only a mad, malignant, and calamitous principle, fatal in all its movements to the independence of other nations, fatal in
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its tendency to all civil liberty, present and to come. He could not give the name of government to a state of universal and everlasting anarchy and war: Such a state ought to be destroyed: Its destruction would not affect the independence of the French people; on the contrary, it would restore to them that independence under the want of which they are groaning. It is not true, that in doing this we pledge ourselves to restore the ancient Monarchy; we pledge ourselves only to employ the Emigrants to assist us in dispersing a band of thieves and murderers, whose existence is become incompatible with the safety and happiness of the human race.

Lord Auckland concluded by apologizing for recurring so frequently to this subject, and with expressions of acrimony. It was impossible for him to forget that he had seen much of France under a government which certainly had great imperfections, great abuses, and great faults; but under which there was at least some degree of real liberty, and great individual prosperity. He now saw one part of that distressed country employed in robbing and murdering the other part. Every post brought a long and bloody list of new massacres: And the scene was come to that extreme of horror, that if any man could now speak of the French Revolution with complacency, with indifference, or even without indignation, he would say of that man, that he must possess either a disordered understanding, or a depraved heart.

The Duke of Bedford argued very forcibly against the Bill. When he first perused the Bill, his Grace declared that he was equally astonished at the principle of it, and at the subject matter that it contained. Surprised as he had been, he had been led to imagine, that some Member of Administration would have stated to him the reason why it was brought forward, and had explained the expectations they had formed of its success. The Noble Lord who had just sat down, had not attempted to defend the measure, for that indeed were a difficult task, but had contented himself with animadverting on the character of Robespierre and the conduct of the Convention. He was, his Grace said, aware that the present was not a measure of the Noble Lord's, but of Administration: He thought therefore they should explain their motives to the People and to their Lordships. He was surprised, he owned, to hear the Bill defended on the grounds of humanity; for his part, he considered it to be of a tendency the most barbarous and inhuman. In his opinion, it would give rise to every thing sanguinary and cruel: Nothing would be left to be decided according to circumstances, but it abandoned our troops to the sword of the enemy; and no man could see to what length re-

retaliation might be carried. He foresaw, and was perfectly convinced, that if these unfortunate men should be taken prisoners, they would inevitably be put to death, and that in a manner perhaps the most barbarous. These unhappy men, his Grace observed, were left no alternative; for, if they did not enlist, they could not shew their face, or lift up their head, in society; there was no medium between honour and dishonour. Driven, as by these means they might be, to distraction, he should not, generally speaking, be surprised, if several were to act treacherously to those, who had, under the mask of humanity, forced them to fight against their enraged countrymen. It would, he thought, have behoved ministers, and it would do more honour to the British name, have provided for these unfortunate men in any other way, than that devised by the Bill in question. Opposition, he observed, had been aspersed by Ministry; they had charged them with accusing them of changing, as circumstances required, their declarations of the causes that induced them to go to war. That accusation, however, he pronounced to be just. His Grace, in support of his observation, remarked that, in the first instance, ministers had declared that it was a war of defence purely. They had next declared, that they did not intend to interfere with the internal government of France; but their declared object at present was to overturn the present existing system in that country. For his part, while he admired the ingenuity manifested by the Noble Lords (Hawkesbury and Auckland), he could not see the difference between interfering and annihilating; it was a distinction too nice for his perception to observe. If it were contended that the attempt to annihilate was not to interfere, it was a pitiful quibble, which could not, in his idea, make the least impression on their Lordships' minds. From what had fallen from the servants of his Majesty, it was a fair conclusion to draw, that this small island, small comparatively speaking to France, was to exterminate twenty-four millions of people, or else overturn their government, under which they existed; For government it must be pronounced, as it was accepted as such by the majority of the people; and therefore he did not conceive that any one man, or body of men, in this country, had a right to presume to dictate to a whole nation the sort of government that might by them be deemed proper. He had heard it mentioned, that if Robespierre, for instance, was dead, or out of power, a great change might be looked for in the affairs of France; he confessed he did not fail in with such expectations; they seemed to him immaterial: He entertained too good an opinion of mankind in general, to imagine that one man was so much superior to the rest, as to be able to dictate,

tate, by his will and pleasure, to millions, that which of themselves they did not approve, and that too in the conduct of a war in which they were all so immediately concerned, and in the success of which they were so materially interested. In the case of a prince acting upon hereditary rights and authorities, something of that nature might possibly happen; in the case, however, of a republic, such as France at present was, nothing of the kind was likely to occur. From the conduct of these Emigrants, he saw no great encouragement to trust them much: Had they not deserted their King in the hour of distress and the moment of danger, possibly their late unfortunate Monarch might have been on the throne at this hour. These persons might eventually have some inclination to betray us. In that point of view, therefore, the Bill was improper. Their ferociousness against those whom they detested as usurpers, must tend to contaminate all association, and to mould the character and disposition of the British soldier after so bad an example; for the soldiers of a free country, therefore, he did not think them fit companions. His Grace said, he had heard the French abused for their ferociousness; if that were true, where was the wisdom of the present measure? That many acts of great barbarity were committed in France, was perfectly true; but to whom were those acts of barbarity to be ascribed? To the French? No; those enormities were to be attributed to their combined enemies, who had hunted them like wild beasts, and had driven them, from stage to stage, to madness and desperation; and he was sorry to say, that he had heard speeches fully as ferocious and sanguinary as any of those said to have been uttered in the Convention; he had heard this war called a war of extermination; this appeared to him to be as unwise as it was unjust and indiscreet. His Grace concluded a well-arranged, perspicuous, and argumentative speech, with observing, that unless much better reasons than he had yet heard were urged in favour of the Bill, he should be under the necessity of retaining his opinion of the inhumanity and impolicy of the measure.

The Earl of Mansfield began a very able speech by declaring, that there was no statute, nor any writer upon the law of nations, which forbade the interference of one country in time of war, with the internal regulations of another nation; the whole body of ancient history, his Lordship contended, clearly established the contrary proposition. Such then being the fact on that point, it was natural next to turn to the object of the war; that object was clearly, as far as he understood it, to check and overturn that murderous and tyrannical system, that threatened the overturning of every government,
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of every species of order, and of every social tie, in every part of Europe.

The Jacobins in France, his Lordship observed, had avowed that to be the principle upon which they acted; they had decreed all other forms of government, had decreed a determination to destroy them, and promised protection to all such as should be led away by the mad doctrines of the Rights of Man. With persons of this description, it was impossible to look forward for peace, at least with the smallest degree of security for the preservation of it. Those Jacobins were well aware that their own safety and continuance in power, depended on their keeping on the war, inasmuch as that enabled them to continue their horrid butcheries and the destruction of each other. He had heard it argued, that twenty-four millions of people were attached to this (as it was sometimes called) Constitution; of that fact, however, he very much doubted; and rather believed that most of them were obliged to appear so, through fear of consequences too dreadful to be described. Supposing, however, a number of the multitude were in its favour, it only proved the justness of Antony's remark to Octavius; who, speaking of the instability and uncertainty of popular opinion, said, "Observe the man who was yesterday the idol of the people; see him to-day, the outcast of the world; such is the fate of him who seeks popularity! Who builds on that, builds on a rock of sand, and will soon find he has no foundation." But why, continued his Lordship, should we refer to ancient times, when, even in France, we see the favourite tyrant of one day make way with his blood for another popular successor? Brissot and his faction were soon followed by Danton and his adherents; and what doubt can there be that it will be long before Robespierre and his crew will also meet with the reward of their infamy? The necessity of overturning and destroying such a system of horror, murder, and villainy, as that which has so long distracted that unfortunate country, was a question on which no man could doubt; our own existence, as a flourishing and happy country, depended upon that event; every measure, therefore, that tended to carry on the war with most vigour, and by that means accomplish that desirable end, should have his hearty support. Of that description, his Lordship said, was the measure of putting arms into the hands of those unfortunate gentlemen; for they, of all men, were the most concerned in the re-establishment of order and good government. Of their faith and honour he entertained not the smallest doubt; and for the whole of these reasons his Lordship declared himself a friend to this Bill, and said he had for some time looked forward

ward to such a measure with no small degree of expectation and anxiety.

The Marquis of Lansdown commenced a speech of considerable length and much argument, by expressing, in pointed and severe terms, his entire disapprobation of the Bill before their Lordships, and of the whole system upon which the Bill was founded. The Marquis maintained it, that the impolicy of the measure altogether was obvious, and that the inhumanity of it was without precedent or example. Ministers, his Lordship observed, affected to say, that if any of these emigrants were taken and executed, we should retaliate and execute the prisoners we might take captive: That, however, was a procedure which, he was persuaded, they dared not attempt to carry into execution. Did they suppose that all the families in this country would hear, for an instant, of a practice, by which so many of their nearest relatives and dearest friends would be sacrificed? If such a practice was to be attempted, ministers would be dragged out of their beds at midnight. Such a practice had been talked of during the American war, and the effect of even that was quite enough to enable us to see the danger of attempting to adopt a system so barbarous and abominable. That the measure itself, in his opinion, was entirely unconstitutional, he did not feel the smallest hesitation to declare. If, observed the Marquis, there was any one fundamental assurance for the security of the liberties and constitution of this country, it was to be found in that jealousy which so wisely existed with regard to *standing armies*: If, then, there was any cause to be jealous of a standing army of our own countrymen, how much more reason was there to be jealous of one composed of Frenchmen! and if of Frenchmen, how much more of that which was formed of Papists; of men who not only were bred in habits of thinking on political subjects, so differently from Englishmen, but whose profession of religious faith was so materially different also? He objected to no man merely on account of his religion, for he was a friend to toleration; but on a question like this, he must look at them in a body. Was such a thing ever thought of before? What would King William, or the Parliament of that day, have thought of a minister who should have dared to have suggested such an idea? At that time, indeed, and before and after that time, this country was using every means to curb the ambitious spirit of the House of Bourbon; however, so much had things now changed, that we were become Quixotes, in the restoration of a branch of that family which we had so much dreaded and so justly execrated! If, however, he had been rightly informed, these emigrants, his Lordship said,

were not so *very* fond of the Bill as we were taught to believe, and it would be found that very few would be inclined to join in the enterprise, unless they were presented with commissions. Inflamed with an idea that when those Noblesse returned, they would find numbers of followers among their former dependents; the sanguinary minds of some, however, had surmounted that obstacle. But could the good sense of the House consider it probable that those Noblesse would find followers among their former dependents? What! was it likely that men, who had suffered so much, and were so oppressed by the ancient government of France, should, on the appearance of these unfortunate men, in an instant forget what they had been fighting for, and fly with rapture, and entreat for the restoration of the feudal system? With pleasure give up their guns to those Lords, whom they knew, if that system was restored, would employ them in shooting any one who should even destroy a hare? Exclusive, however, of this, there was another strong reason why they would not meet with that candid reception, namely, because their estates had found new possessors, who, it was natural to suppose, would not be very readily inclined to resign them to those to whom they at one period belonged. Thus then it did not appear to him that the plan promised to be attended with any material advantage; it was the more, therefore, to be objected to, from the species of inhumanity with which it was accompanied; for it was idle to speak of what their fate would be, if taken, as a matter of doubt, for the fact was notorious to every one. Had it not, his Lordship asked, already happened, that when the Prussians, in treating for an exchange of prisoners, had proposed to include the emigrants, that proposition had been peremptorily rejected? And were not the recent declarations of the French republic equally well known? A noble Lord had, indeed, declared he was not prepared to speak with respect to retaliation; in his opinion, however, it was not even a question; for what man in this country, unless, indeed, he was destitute of the common feelings of humanity and the ties of parental affection, would suffer his son to join that army which was to be subject to a hazard so horrible?

It was, the Marquis observed, now admitted that the object of the war was entirely changed; and that we were not engaged for establishing any form of government, but solely to overturn that which did exist; and this upon the ground of the horrid excesses that had been committed; excesses, indeed, which every man must lament. In his opinion, however, much of the blood that had flowed in France, was to be attributed to the conduct of the allies: They might, in a great measure,

measure, be said to be the cause of the carnage, though others had produced the shocking effect.

He feared both sides had too strongly made up their minds upon the subject, to be convinced by any facts that could be adduced, or by any arguments that could be offered by the others; it remained, therefore, for time alone to prove whose principles were best calculated to benefit their country; whether the principles of those who acted with him, and wished for the restoration of peace, or of those who supported the continuance of a war so destructive. It should, however, be remembered, that, from their numbers, it was not one or two defeats that would conquer the French; but if the allies were once beat, he knew not how they would rally again; and surely the consequences of that were worthy some consideration. In the course of his speech, the Marquis stated the anecdote of a friend of his, who, in consequence of his politics, was well received every where but on his own estate; and took occasion to compliment his Grace of Bedford upon the ability, arrangement, and constitutional argument that he had displayed in the delivery of his reasoning.

The Earl of Caernarvon said, that the measure now under their Lordships' consideration had been chiefly objected to, as changing the object of the war, from the plausible motives of resisting the encroachments of France on the rights of their neighbours, to an avowed intention of restoring the monarchy, by the overthrow of the ruling government of France. The Noble Earl (*Lauderdale*) asserts, that the Bill under consideration avows the intention of reviving the ancient despotism of that country in its full rigour, as appears by the terms of the Bill; which limit the description of emigrants to be employed, to such who had been subjects of his Most Christian Majesty, and consequently exclude (according to the Noble Earl) those who had acknowledged the constitution accepted by the King of the French. He likewise reproaches the measure with inhumanity, in inducing men, whose honour compels them to accept the summons, to engage in a contest, where a cruel death awaits their captivity, if they should escape the dangers of the field. The objection which the Noble Earl draws from the terms *the subjects of his Most Christian Majesty*, seems to be groundless, for the phrase is certainly the most comprehensive that could have been used; it includes persons of all descriptions, who, at any time, had been subjects of his Most Christian Majesty; Robespierre himself would not be excluded by these words. I confess I do not comprehend the imputed inhumanity of employing (whatever may be the risk) those who solicit an opportunity of rescuing their oppressed country. Does the Noble Earl really think, that there is a single emigrant

who will not bless the hand that arms him against the assassins of his parent, child, or friend? that gives him hopes of contributing, at any risk, to restore good order and happiness to his bleeding country, and peace and security to Europe? Who would decline this duty, from the additional danger which the barbarity of their savage enemies adds to the common horrors of war? The Noble Earl also dreads the bad example which this scene of civil contest may give to the British soldier, who will (he thinks) be habituated to fight the cause of despotism, and point his sword against the establishment of liberty: This apprehension certainly need not alarm the Noble Earl; if the British soldiery should draw a lesson from the scenes they will have before their eyes, it will be by contemplating with indignation the horrid cruelties which follow the overthrow of an established government; they will see that tyranny is not the necessary appendage of government; that it is the constant companion of anarchy; they will learn to resist it, though it should present itself under the assumed title of Equality, and the Rights of Man; they will not feel that they employ their courage against the cause of liberty, but in opposition to the most unrelenting tyranny that ever oppressed an afflicted nation. The Noble Marquis who spoke last states an additional apprehension which he entertains, namely, that it is the intention of his Majesty's ministers to carry on the war, for the purpose of collecting the rents of the emigrants, and to re-establish the laws for the preservation of game, and all the ancient rights of game-keepers in France; if he does not mean this, I am at a loss to comprehend a great part of his speech. I condole, however, with the Noble Marquis for the awkward situation of his friend, who, as he informs us, is well received every-where but upon his own estate; it is certainly peculiarly unfortunate for his friend; though I should hope the public interest is not much involved in this domestic misfortune: I apprehend the case is not very common, and can have arisen only from some difference of opinion between him and his tenantry and neighbours, from which the country at large may not derive any inconvenience; such difference of sentiment will sometimes happen. I have lately been present at a county meeting, almost at the door of the Noble Marquis, and could not help remarking that no small difference of opinion subsisted between *him* and *his* neighbours, for I was not able there to trace a single sentiment that bore the least resemblance or analogy to those opinions which we daily hear from the Noble Marquis in this House. The Noble Marquis may, therefore, without any imputation on him, find himself in the same predicament as his unfortunate friend, and yet the public interest may suffer no disadvantage from this difference of sentiment.

ment. The objection which has been most relied upon, is, that the war changes its object: I will not take up your Lordships' time in arguing that to change the object of a war is not of itself objectionable; that it may, in its progress, be wise and politic, and perhaps inevitable, to do so; and from circumstances alone, it can be wrong; because, in fact, no such change of object has taken place: And on this I must trouble your Lordships with a few words, though at the risk of repeating arguments fundamentally the same, and so often opposed to similar objections, in this beaten track of decided topics. The object of the war is precisely the same, namely, peace, and security for peace; and if it cannot be obtained under the present rulers of France, to seek it by destroying that rule, in any way most likely to effect it; if by the restoration of monarchy it is most likely to obtain that desirable end, to aim at that restoration; in short, to take the most effectual steps to procure that great object, a secure peace. The means of conducting the war may and must change with circumstances; but do not, therefore, imply a change in that approved object of the war. The difference between the Noble Lords who oppose, and those who support, this measure, appears to me to rest only in the practicability or impracticability of a secure peace; for I do not apprehend that if they agreed with me that a safe peace was impracticable, under the existing government of France, and that the freedom and independence of the Constitution of this country was incompatible with it; that they would hesitate to employ the military skill of Prussia, or to arm the hand of the emigrants, against the common enemy of all order and government. The Noble Earl is too sound a reasoner to argue as he does on such an admission. It would therefore be politic to employ those persons, whose dearest interests are the pledges of their zeal and fidelity, if the object sought by their service is a wise and necessary object; and this brings us again in that circle of reasoning to the stale though important question of the necessity of the war. The war was begun by France, on principles inherent and interwoven with the texture of their present government. He often cited decrees which prove that the usurpers of power in France, without pretence of injuries received from their neighbours, declared, that their right of interference in the government of other nations drew its source from the vital principles of their revolution: The Rights of Man, the Laws of Nature, and the sacred Right of Insurrection, are all principles which, they say, they have sworn to maintain according to their sense of them; and under colour of this constitutional duty, which they had imposed on themselves,

selves, they justified the aggression of the Scheldt, and threatened what they called the tyrannies of Europe. Fraternity, with the insurgents of other nations, became the war-whoop of these civilized savages. The term of civilization is certainly profaned in its application to these monsters of inhumanity; the annals of the civilized world do not produce such unrelenting barbarity, such useless scenes of blood and tyranny; the Spanish history of Mexico, the horrors of their own St. Bartholome, are passages of common and ordinary calamity, when compared with those scenes of complicated cruelty and more than savage barbarity, with horrors, which, though true, exceed belief; and appear rather as a bloody dream, than the daily occurrences of a world, in which we live and breathe. Will it be said, that, notwithstanding these domestic scenes may excite a pang in every feeling heart, it is of no concern to us as a nation? Surely, if these are the blessings attached to the Rights of Man; if these are the effects which flow from the Laws of Nature, as they define them, and as they have sworn to maintain them; if this is the happiness which is to be the substitute for the Constitution we enjoy, and which Barrere terms infernal, when he calls upon us to surrender it as the only price of peace, indignation is as much provoked by our interest as our feelings. Brissot has told you that the revolution of France could not subsist unless the tranquillity of every other country was disturbed. Barrere tells you the price of peace. Is not this sufficient to persuade us that the security, the peace, and perhaps the existence, of Great Britain, depends upon the destruction of the government (if it can be called a government) of France? They do not wish for peace; foreign war is absolutely necessary to the popular rulers of Paris. When they had overturned all order and government; when they had banished the rich, plundered and dissipated their wealth; when, in the convulsion, commerce and industry had fled; the authors of this awful ruin saw twenty-four millions of reformers out of employment; they had no means of giving food and occupation to this numerous host of beggarly kings (whom they had called to the sovereignty, and who continued to flow to Paris, from Marseilles and from other seminaries of sedition in that convulsed country), but by pointing their fury against the peace and tranquillity of neighbouring states: They had no means of averting the danger which menaced the revolution itself, and its authors, from the intemperate zeal of its own instruments, than by extending the field of action, and giving ampler scope to the spirit of innovation, and directing the torrent which had overturned all order and all government in France, into a channel where it might vent itself on the territories

stories of its neighbours; they found, that wars, and consequent rumours of plots, well managed, would keep the turbulent spirits in employment, and the peaceful dispositions from leisure to reflect on their situation; real war and pretended plots became the apology for existing tyranny and plunder; they gave to murder and confiscation, the confidence and tone of justice. Can any man really be persuaded, that Robespierre, the present sovereign of France, wishes for peace? Can he wish to see 3 or 400,000 lawless soldiers, with arms in their hands and the Rights of Man in their mouths, turn their attention to the affairs of government at home, and scrutinize his conduct and estimate his patriotism? Is the guillotine government so deeply rooted in the affections of the people as to give no pretence to the reforming ambition of disbanded soldiers, proud of their acknowledged sovereignty? The ruling faction of Paris know that their government cannot stand the test of peace. My hopes of peace, therefore, must be placed in the destruction of the tyranny which oppresses that unhappy country, and threatens the security of Great Britain; I cannot, therefore, disapprove of this measure, which is calculated to give us every advantage against a dangerous enemy, and to afford us the assistance of men, whose courage, zeal, and fidelity, it is impossible to doubt.

Earl Stanhope, previous to an intimation which he had to give to their Lordships, took notice of the manner in which the grounds of the present war had, from time to time, been shifted, so that it was now in fact impossible to conjecture what in reality was the object of hostilities. His Lordship quoted the King's Speech in January 1792, a period long after the Jacobin system was triumphant in France, stating that this country had such assurance of tranquillity, as to make it advisable for us, not to increase our naval and military establishment. This proved, his Lordship contended, that ministers did not then see the Jacobin system, dangerous as they had since affected to deem it. A Noble Lord had abused the Rights of Man, and had pretended to trace from them all the misfortunes which have deluged France. For his part, his Lordship declared, he could never sit still and hear the Rights of Man attempted to be degraded and lessened in the opinion of mankind, without entering his protest against such a proceeding; for where the Rights of Man were ridiculed and disregarded, there liberty must soon cease to exist. In his idea Man was born with certain rights and privileges; as for example, the right of equal justice, and the rights of liberty and property, and these he professed he should ever endeavour to maintain. His Lordship then took notice of the general declamation

mation that had been employed, in describing the wretchedness of the mass of the people of France; and contended, that the whole of that description was unfounded in fact; for that he had reason to be satisfied, that, the frontiers and a few internal places excepted, France, with regard to the mass of its people, was the happiest country in Europe, and that its natives were the most unanimous and cordial in support of the measures of their government, especially that of the prosecution of the war. It could not, indeed, be otherwise, for the peasants paid no taxes; the expences of the war were borne by aristocrats, defrayed out of the royal domains, and the confiscated property of the clergy and the emigrants; and as a proof of their *happiness*, his Lordship referred to the various enthusiastic expressions of attachment to the republic made by the wounded in the hospitals. In the course of his argument his Lordship stated a fact, rather curious in itself, and strongly characteristic of the enthusiastic temper of the people. It was this: Within a very recent period, between 12 and 15,000 of them had been taken prisoners, and were marching through Vienna to the place of their destination. In the course of their march, it so happened that a boy was playing with a red cap upon a stick. This incident reminded them of what they called the Tree of Liberty, when instantly, like an electric shock as it were, they unanimously shouted, "Long live the Republic, one and indivisible! Long live the French Republic!" If it were pretended that those people were forced into the army, and kept there through fear, it would not be supposed that fear continued at such a time; a time, when they might have met a reward for shewing a contrary sentiment. His Lordship called upon the House, therefore, to reflect on the improbability that there was of any success attending a plan, the object of which was to restore aristocrats to their former possessions. Having ended an harangue pregnant with curious matter and pointed reasoning, his Lordship gave notice, that the next day he should make his opposition to this Bill, upon his own grounds, for he was determined to oppose it throughout its progress.

Lord Grenville made a most eloquent reply to the speech of the Noble Earl (Stanhope); in which, with a masterly hand, he depicted the miseries of the people of France, and the general state of that unhappy country. He particularly noticed the assertion of the Noble Earl with respect to the *happiness* which that Noble Earl had said to exist among the people of that country. In France, his Lordship observed, the people, surrounded by spies and informers, and liable to the severest vengeance for a suspicion of what was termed incivism, were terrified into obedience, and were compelled to be silent under the

the most absolute tyranny that had ever existed, the most oppressive despotism that had ever disgraced human nature. No man could be certain that he should reap the crop that he had sowed; no man, in short, could reckon upon the fruits of his labour. The technical and enigmatical phrase, *requisition*, was used for the purposes of plunder and violence; it was used to wrest from them their property, and even to compel their personal services as common soldiers in the despicable armies of that distracted country. The labourer, the artisan, so far from daring to murmur at the tyrannous deprivation of his property, might deem himself fortunate if the rude hand of oppression was satisfied with that rapine, and did not take his life also.

The various arguments that had been made use of by the Noble Earl, as they were totally irrelative to the subject before the House, required no answer; lest they should, however, derive a degree of consequence elsewhere, from remaining unrefuted, his Lordship said he should take that opportunity to give them a reply. His Lordship then entered into a recital of some of the numerous enormities that had been committed in France. He dwelt on that subject for a considerable length of time, and with his usual powers of eloquence. The Noble Earl had asserted, that the conduct of the combined powers had induced all the horrors that had deluged France. In reply to that assertion, he would ask the Noble Lord, Whether, because Austria deemed it necessary to arm, that that was a justification for the murder of their mild and affectionate Monarch? Because Prussia had joined, was that an excuse for butchering his innocent Queen? Because other powers had felt it necessary to oppose the threats and repel the aggressions of the Convention, did those circumstances palliate the horrid crime of deluging the streets of their capital with the blood of its inhabitants? did those circumstances lessen the guilt of the massacres at Lyons, at Toulon, and in the other towns of France? One scene of tyranny and bloodshed had exceeded the other; each successive faction had refined upon the plan of oppression and carnage that had marked the career of its predecessors.

Having put these points very forcibly, his Lordship entered into a review of the conduct of Administration throughout the progress of the French revolution. He justified the plan they had pursued, and submitted the propriety of it to the judgment of the House. With respect to the Bill before their Lordships, he vindicated the measure from the censure it had met with, and contended, that it was a plan highly expedient to be adopted, and likely to be attended with the most beneficial effects.

effects. As to the idea that had been suggested by some Noble Lords, that it was of a compulsory nature, and left the emigrants no other alternative than that of starvation or acquiescence; his Lordship declared it to be a fact, that the emigrants had long solicited to be employed; they had long viewed, with indignant regret, the desolations that ravaged their unhappy country; they had seen their dearest connexions despoiled of their property by the tyranny of the Convention, and deprived of existence itself, by their remorseless barbarity. They had long regarded the miseries that agitated France with anguish; they panted for the moment in which they could administer relief to their suffering country, and asked for arms to crush the tyrants who ruled and ravaged it. They had, indeed, quitted France at different periods and for different causes; the horrors, however, into which she has been plunged by the barbarities of the present faction who governed, had united them in their wishes to attempt her rescue. Fears had been suggested, lest, by an association with the emigrants, our troops might become contaminated. For his part, his Lordship said, he entertained no such fears; he thought that no such danger was to be apprehended. The meanest ranks in our army had too much good sense, possessed too much information, and saw too well the advantages of the constitution under which we live, and whose benefits they in common with the rest of their countrymen had experienced, to be tempted to swerve from their duty; or to be induced, by any arts, to change that constitution, for despotism on the one hand, or democracy on the other.

The plan that the Bill proposed was not, in his mind, in the least degree unconstitutional; nor was danger to be apprehended; inasmuch as they were to be employed in Continental service; and at all events no greater number than 5000 of them were to remain at one time in the island, and those not to be suffered to come farther than five miles into the interior of the country. As to the idea that 5000 Frenchmen, with arms in their hands and in military array, could create any danger to the constitution and liberties of England, it appeared to him a ridiculous one; as if it were possible that such a number, or even a much greater number, could march from Portsmouth to London without interruption, and defeat, in fact, the whole-force of the kingdom! The measure of employing foreign troops to fight the battles of this country on the Continent, had never been deemed unconstitutional. King William employed French Protestants to fight in his war against the usurpations and aggrandizement of Louis XIV. yet no idea appeared to have been entertained of the measure being unconstitutional; nor

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was that inhumanity, which in the present instance had been, by some Noble Lords, so greatly deprecated, exercised upon those soldiers who were taken prisoners in the course of the war. The French emigrants of the present day were in fact the fittest persons that could be employed in the prosecution of the war, for the attainment of that object for which hostilities had been commenced. Those evil consequences that had been apprehended, his Lordship observed, would not at present follow from any difference of opinion or disunion of views amongst them. The enormities committed in France had increased to that magnitude, that they had created but one sentiment in the mind of every man who was capable of reflecting, and was not destitute of humanity: That sentiment was, that those desperate wretches, who had usurped the powers of government in France, and at present ruled in that country, must be subdued. His Lordship proceeded to vindicate those unfortunate men from the idea that had been suggested of their being influenced by motives of revenge. They were, his Lordship said, men of great and noble minds, which had been chastened in the school of adversity; they were men of sentiments too elevated to be suspected of entertaining a desire of revenge; and, in his mind, it was highly illiberal to insinuate that they were animated by any such motive. It was their anxious hope to have the healing balm of forgiveness and reconciliation poured into the bleeding wounds of their country, and not to widen them by wielding the sword of revenge. Retaliation had been mentioned by some Noble Lords as a thing likely to occur: With respect to the doctrine of retaliation, his Lordship observed, that, should the French put to death any persons employed in the service of this country and bearing British commissions, by the law of nations, we should be justified in taking such measures for the prevention of such conduct in future, as should by us be deemed proper for that purpose.

With respect to the right of one nation interfering in the internal concerns of another country, his Lordship maintained, that by the practice of ancient and modern countries, that right existed. In support of this observation, his Lordship cited the case with regard to Holland, in whose internal affairs England had interfered, and called to the recollection of the House, the treaties by which our constitution is guaranteed to this country. That if a republican form of government could be established in France, that would afford security to persons, to property, and to political opinion, this country ought not to treat with such a government, he was not ready to declare; but he was free to express it as his opinion, that a monarchical form of government would be preferable, and that no demo-

cracy could give security to twenty-four millions of people, or afford protection to their liberties. His Lordship concluded with observing, that the more vigour with which the war was prosecuted, the more likely was it to be speedily terminated : The termination of hostilities, however, could not take place until the present system of government was destroyed; a system, he said, that was founded on immorality and injustice; a system that set at defiance all idea of religion, that had no regard for the privileges of property, that was promulgated by the most savage violence and relentless barbarity, and threatened the destruction of all order, of all security, and of the liberties of every other nation in Europe.

The Duke of Bedford, in explanation, said, he wished that the Noble Lord had given less scope to his eloquence as applied to the feelings of their Lordships, and had afforded somewhat more of argument in support of the Bill. His Grace observed, that in civil wars, more especially where the contest was about opinions, atrocities on both sides were but too common; and he much feared that the effect of the present Bill would be to increase them greatly in France.

The Marquis of Lansdown again rose, and began by quoting the expression of a Noble Lord who had recently addressed the House (*Lord Grenville*), and who had declared that he had not heard any thing like argument advanced against the Bill before their Lordships. If that Noble Lord had not heard any arguments advanced the Bill, said the Marquis, he had engaged the attention of their Lordships unnecessarily, and had occupied their time to no purpose. As that Noble Lord, however, had endeavoured to answer those arguments, it was not unfair to presume that some of the points which they contained bore hard upon his Lordship, especially when it had been deemed necessary so strenuously to endeavour to remove their effect. It was not, the Marquis continued, in his opinion, probable, that any thing that could be then said could operate upon the minds of their Lordships on either side of the House, to induce them to alter the opinion that they respectively might have formed upon the measure then under their consideration; were the case otherwise, it would, in his mind, be no difficult matter to refute every thing like an argument which had been advanced by the Noble Lord to whom he had alluded, who had talked of chronology without book, and had confounded it in every step that he had gone. Nothing that could be advanced by the Noble Lord, could make him for a moment surrender any part of the constitution of his country, or agree to the introduction of a standing army, how small soever in point of number, and however subject to particular regulations.

regulations. He saw with an eye of jealousy the introduction of barracks, and regarded other measures of a similar nature in the same point of view. The Noble Lord and his colleagues, he believed, had studied a certain author more than they quoted him, and appeared to him to have adopted one principle which that author (Machiavel) laid down, viz. "that when a Prince wishes to introduce any measure obnoxious to the temper of the people, or dangerous to their liberties, he should arm himself with power beforehand, to compel the consent of his subjects, if likely to be denied." As to the state of the people of France, he had lately conversed, the Marquis said, with well-informed and impartial men, who had recently traversed that country from Lyons to Paris, and from Paris to Bourdeaux, and they all coincided in representing the condition of the great body of the people, and the cultivation of the country, as being far superior to what they were six years ago, under the old form of government.

That the decrees which subsisted, fixing the price of the different commodities, or, as it was there called, establishing the *maximum*, and those that put in a state of requisition, were felt as hardships, he did not deny; though felt as hardships, however, they were hardships submitted to not only with resignation, but with cheerfulness; persuaded, as the people were, that they were generated by the exigency of the moment, and that they were the means of securing to them the property they possessed, and firmly establishing the future freedom of their country. To what extent the Noble Lord had enlarged his notions of religion, he knew not, nor would he attempt to conjecture. For his own part, the Marquis said, so narrow had been his education, so cramped were his ideas, that he had been taught to look for religion in the church of England, and for liberty in the British constitution. With respect to the willingness that might be shewn by the French emigrants to enlist, it was, in his mind, cruel and unjust to hold out that none but those who were destitute of every honourable feeling could decline enrolling themselves under the regulations of the Bill before their Lordships. Of those emigrants, many of them, men of the noblest qualities, and of the highest sense of honour, might feel insuperable objections to bearing arms against the country that gave them birth. He confessed, that he for one deprecated the idea of placing those unfortunate gentlemen in a situation so desperate; for whatever the Noble Lord might say on the subject of retaliation, he was convinced that, should those unfortunate men fall into the hands of their outraged countrymen, they would be left to a fate the most dreadful;

dreadful; for he supposed in every future cartel for exchange of prisoners, the emigrants would be excluded, as they had been in the cartels between Austria and Prussia, wherein the proposition to exchange them was rejected with scorn, and forced to be given up.

The House then divided upon the Bill :

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The Bill then passed the Committee, and was ordered to be read a third time.—Adjourned.

HOUSE OF COMMONS.

MONDAY, May 5.

The Mold, Lampore, Martin, Freselkirk, Elloughstone, and Belstone Inclosure, and the Election Oath Bill, were read a third time, and passed.

The Bankrupts' Law Bill was read a third time, and committed.

Two new writs were ordered: One for the borough of Tregony, in the county of Cornwall, in the room of *John Stevenson*, Esq deceased. Another for the county of Derby, in the room of *Lord George Cavendish*, deceased.

The report of the Bill for the further Prevention of Delay in the Election of Members to serve in Parliament, was brought up; some amendments were proposed by *Mr. Fox*, adopted, and the Bill was ordered to be ingrossed, and to be read a third time to-morrow, if then ingrossed.

Mr. East moved, that the report of the Bill for preventing the vexatious Removal of Poor Persons, be taken into consideration on Friday next.—Ordered.

Mr. Fox presented a Petition on behalf of some of his Constituents, approving of the general principle, but praying to be heard by counsel against some parts of the Bill.—Ordered.

CONTRACTORS.

Mr. Thornton brought in the Bill to explain and amend the 22d George III. relative to the disability of Contractors to sit in the House, and moved, "that it be read a first time."

Mr. Sheridan said, that having opposed the motion for leave to bring in the Bill, and not having heard any further argument in support of it, he was bound to oppose it in this and every other stage of its progress. His objection arose from its being a hasty and injudicious interference with a very important Act, which

which had been found highly serviceable in practice, and which he wished to be kept sacred from inconsiderate alteration.

Mr. Jolliffe thought it inconsistent, after the House had given leave to bring in the Bill, to refuse to hear it read, and remarked, that it might receive full consideration in its future progress, and be modified as the House might think proper.

Mr. Wilberforce said a few words, and suggested to *Mr. Sheridan*, that if he persisted in his objection at present, it would be an impediment to the private business which might remain, as there were not a sufficient number of Members present to divide the House.

Mr. Thornton said, the Bill did not extend to any material alteration of the Contractors' Bill. It only went to except those from the disability who became contractors, by delivering in, on public notice to Government, the lowest proposals for the supply of any articles.

Mr. Sheridan conceived, that there was no inconsistency in his opposing the first reading of the Bill, who had never assented to the motion for leave to bring it in. He did not, he declared, wish to interrupt private business, and therefore, if the Hon. Gentleman would give notice when he meant to move the second reading of the Bill, he had no objection to postpone his opposition till that period.

The Bill was then read a first time, and ordered to be read a second time on Thursday next.

ABERDEEN POLICE BILL.

Mr. Sheridan said, among the orders of the day, one stood for taking into consideration the report of the Aberdeen Police Bill; and also notice of a motion for discharging the order for the petitioners against that Bill being heard by counsel. The House very well knew that this Bill was opposed by 2700 petitioners, many of them people of great property and respectability, who would be ready to support a Bill upon proper principles, if it were at all necessary. It so happened, however, that the Corporation, or Town Council, had in their management sufficient funds for paving, lighting, and supplying with water the town of Aberdeen. The petition on the table so stated the case, and evidence was ready to be produced in support of it. Notice, however, had been repeatedly given, that a motion would be made to discharge the order for hearing the petitioners by counsel at the bar; this to him appeared very extraordinary indeed, and what he could hardly suppose was meant seriously. It might so happen, however, that those who were anxious to support the Bill, with a view to push it through, might seize an opportunity, in the absence of those Members who wished to aid the petitioners in opposing a very improper

improper measure, and the House, taken by surprise, might discharge the order. Where the interests of so many thousands were concerned, Mr. Sheridan said he should think this a very hard case. It now must appear very certain to the Gentlemen who supported the Bill, that it was impossible to carry it through at that late period of the session.

The people of Aberdeen, Mr. Sheridan observed, were undoubtedly the best judges of their own affairs. The business might therefore be safely trusted to the operation of their own judgment and good sense. Counsel had repeatedly attended, but it had so happened that there was no House to hear them. The remaining part of the session might be spent in the same unprofitable, and, to the petitioners, very expensive mode of procedure. He would therefore move, "That the Order for the taking this business into consideration should be put off to this day three months."

Mr. Ferguson professed that he could not believe the Hon. Member serious in what he proposed. The Hon. Member who brought in the Bill, having just suffered a severe domestic loss, was unable to attend. In his absence he had taken the charge of the business. Aberdeen was a town of great respectability; after Edinburgh and Glasgow, the third in Scotland; it was also the seat of an university; and nothing had yet been done to furnish it with pavements, lamps, and water. It was surely hard that Aberdeen, which enabled the citizens of London to walk with comfort over its granite pavement, should be denied the privilege of paving its own streets. He thought the Bill a very fair one, and should certainly resist the motion.

Serjeant Watson observed, that if the matter was so very interesting, the best method of doing it justice was to give it a fair hearing. Let the counsel be called in and heard, and then it would be seen on which side the matter of right and property lay.

Colonel Macleod conceived, that it would be readily allowed, that he was better acquainted with the city of Aberdeen than the Learned Serjeant. He thought the Bill exceedingly improper. A petition from 2700 persons had been presented against the Bill. A petition had likewise been presented in favour of it, signed by only 156 persons. To make up this number of 156 (the fact would appear merely from looking at the petition) many women, the gaoler, and many members of the Town Council, had signed; and even several trading companies had signed first the firm of the company, and then the partners had signed again as individuals. A petition so subscribed, when so respectably opposed by those who had a deep interest at stake, he could not help thinking deserved exactly that

that notice from the House, which his Hon. Friend had proposed. He certainly should support the opposition of the very respectable body of the inhabitants who would be affected by the Bill. It appeared to him to be a rule, to which the House ought to attend, and always hitherto had attended, that in a local Bill, to impose a local tax for local purposes, the concurrence of the people to be affected by it should be previously obtained, otherwise it should receive no countenance in that House. There were, however, sufficient funds in the hands of the Town Council; and the purpose of the Bill was to lock up those funds, and in place of them to draw a heavy tax from the pockets of the inhabitants; such was the plain statement of the case. When he had last been in the North, he had not observed any deficiency of those articles in Aberdeen, the want of which had been so pathetically lamented. Such a Bill was therefore, in his mind, a proper subject of opposition, and he should certainly oppose it by every means in his power.

Mr. Wigley said, the inference appeared to him to be strange, that, because the business was uninteresting to thousands, therefore the hearing should be delayed. He could not well conceive that mode of reasoning, and would therefore move an amendment, to leave out the words "This Day "Three Months," and insert "To-morrow."

Mr. Sheridan agreed, that certainly the counsel might be called in and heard; but he wished to be answered, by whom? By the Speaker, and by one, two, or three Members. It was well known that, at this advanced period of the session, such was the manner in which the hearing would be attended; but was it a manner befitting a subject, in which the interests of many thousands were involved? Notice had three times been given of a motion to discharge the order for hearing the counsel; and for what reason? Had the counsel and witnesses failed to attend? That would have been a good reason; but was that the fact? Certainly not. From day to day the counsel and witnesses had attended; and why were they not heard? because there was nobody to hear them. Because the judges were not in court, were suitors to be denied the benefit of being fully and fairly heard?

It was under this very impression that he had made the motion. If the good people of Aberdeen could not settle their differences at home, which this would give them an opportunity of doing (and he hoped it would so happen), then let them be heard at a time when Gentlemen would attend, and give them a patient and full hearing. He should therefore adhere to his motion, as being, in his opinion, proper and consistent.

Serjeant Watson professed not to be so much connected with
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the North as the Hon. Member opposite (Colonel Macleod); but he had heard enough from his friends in that quarter, to satisfy him that the Bill was such as to entitle it to the attention of the House. Perhaps there might be funds, as was stated; but powers might be wanted to open or enlarge streets, or remove incumbrances. He would certainly therefore vote for the amendment.

After a few words from *Colonel Macleod*, the question was put; and there not being a sufficient number of Members present to make a House, the Members necessarily separated.

HOUSE OF LORDS.

TUESDAY, May 6.

EMIGRANT CORPS BILL.

On the Order of the Day being read, for the third reading of this Bill,

Earl Stanhope said, that it was his wish not to detain their Lordships, but he could not sit silent, when he contemplated what had fallen the preceding night from a Noble Lord, viz. that it was his Majesty's ministers' determination to interfere with the internal government of France—an interference the most singular he had ever heard, that of annihilating the existing system of government. He would not, he said, in the present instance, travel over the same ground; as to the interfering with the internal government of France, that he had done, as that was a subject on which he before employed a whole evening's discussion. His Lordship expressed his entire disapprobation of every part of this Bill. He had, he said, read the preamble of the Bill, and every distinct clause of it; he had heard the principle of it and the object of it debated last night; he had digested the whole; and in no one instance could he perceive it to be founded on either just, legal, or politic grounds. He would, however, only select the objections that had appeared upon the face of it; and first he attacked the humanity of the Bill, from the information he had collected, and which he believed to be open to every one. He could state it as a fact, that the French, though not universally, yet generally destroyed the emigrant prisoners who fell into their hands: This was founded upon the laws of nations; but as strong prejudice was always attached to whatever the French did, he would name any other country, such as Denmark or Sweden: Would not the subjects of those countries taken prisoners be destroyed? There were certain laws upon

our statute books, which made it treason for any man to enter into the pay of other nations; yet, by this Bill, we encourage that part of treason in the emigrants; was this the humanity of it; was it not delivering these unfortunate men to be guillotined like felons, or hung like dogs? As for the retaliation which the Noble Secretary of State mentioned the preceding night, was it fair, was it practicable? If, in revenge for their murdering the emigrants that might become their prisoners, we coolly destroyed their officers and men who were taken prisoners here, would they not in their turn murder the brave officers and men of this country which they had taken prisoners this war, and might not even the Duke of York himself fall a victim to such a system of ferocity? If such a system took place, could any man, who had relatives or friends prisoners in France, think without shuddering with terror for their fate? Must not every man tremble for the brave soldiers in the service abroad, in a war carried on upon such horrid principles? Would it not extend the cruelties of war to a degree unknown in the annals of the world, and not to be believed at the end of the 18th century? If the present Bill must pass, his Lordship intreated the House to endeavour to make some provision to avert the calamities that might result to those employed in the service; for they had entered it with an expectation, that if they were taken prisoners, they would be well treated, as they had been at Toulon and elsewhere; and not be liable to be massacred, which the system of retaliation might subject them to. His Lordship said, there was a remedy to be found in an Act that had passed that year, namely, the Mutiny Act, of which he read the 78th section, by which no officer, or officers, were authorised to enlist the men, and to return to their country, unless they were willing. His Lordship said, he would move that a similar clause be added to the present Bill; but, in doing so, he wished to be understood, not to agree with any part of the Bill whatever. He then took up the first volume of Blackstone's Commentaries, with an intention to read to the House that great lawyer's opinion on this subject, stated in page 414. 416. chap. 13. when he was interrupted by

Lord Sydney, who said he was going to do what he had never done in either House of Parliament; but as he clearly saw that the speech of the Noble Earl was not intended for their Lordships, but for the hearing of the persons whom the Noble Earl had himself introduced into the House, he should move that the bar be cleared.

Lord Grenville desired that the strangers might not withdraw with so false an impression on their minds, and begged they

might stay until they received the antidote against the poison attempted to be disseminated by the Noble Earl. His Lordship then assured the House, and appealed to the proofs of the fact, that no soldiery on the face of the earth were more attached to their constitution, their King, and their Government, than the British army. They fought like men who felt the justice of the cause in which they were engaged. They were guided by the dictates of honour, of loyalty, and of religion; and they merited every respect, every attention, and every reward, from their country.

Earl Stanhope rose to reply; when *Lord Kenyon* ordered the House to be cleared. While the strangers were out, a conversation ensued between *Lord Sydney*, *Lord Hawkebury*, and *Earl Stanhope*.

Earl Stanhope persisted in asserting, that no soldier ought to be enlisted but for a limited time. He took notice of the barracks erected throughout the country, which he pronounced unconstitutional and alarming. He next adverted to the pamphlet of *Lord Hawkebury*.

The Bill was read a third time, and ordered back to the Commons without a dissentient voice; and at a quarter past eight the House adjourned to Thursday the 8th.

HOUSE OF COMMONS.

TUESDAY, May 6.

The Waterman's, Akely and Skellington Inclosures, and Glasgow Road Bills, were read a third time and passed.

Message from the Lords, that they had agreed to the French Emigrant Bill, as also to a Bill for dissolving the Marriage of the Hon. Mr. Howard and Lady Elizabeth Bellafyse, to which they desired the concurrence of that House.

CANAL BILLS.

Mr. Yorke gave notice that he should on Friday the 9th, move for the House to dispense with some of their rules respecting the introduction of Canal Bills, the necessity of which was manifested from the *ex parte* evidence heard upon the Eau Brink Canal Bill.

Adjourned.

HOUSE OF COMMONS.

WEDNESDAY, May 7.

The Bill for granting to his Majesty 2,500,000*l.* to enable him to make good his engagements with the King of Prussia, and

and for other purposes, was read a second time, and ordered to be committed on the 8th.

The House proceeded to the consideration of the Report of the Standing Orders of the House relative to Canals; in which several alterations and amendments were made.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, *May 8.*

A Message from the Lords informed the House, that their Lordships had passed a Bill for the discharge of Insolvent Debtors in certain cases, to which they desired the concurrence of the House.

TESTS.

Mr. Sheridan observed that he could not bring forward the motion he had given notice of for that day, relative to Tests of persons to be employed in his Majesty's service, in the absence of ministers. He could have wished it had been unnecessary for him to bring it forward at all; and that ministers had done it themselves; but as the matter stood, he should postpone it to Monday, the 12th.

Mr. Sheridan gave notice that on the same day he should move that the Bill for enabling Contractors to sit in Parliament be rejected.

Adjourned.

HOUSE OF LORDS.

FRIDAY, *May 9.*

The Royal Assent was given by Commission to 24 public and 10 private Bills.

Received eighteen Bills from the Commons.

Adjourned.

HOUSE OF COMMONS.

FRIDAY, *May 9.*

PENITENTIARY HOUSES.

Mr. Secretary Dundas moved, that the 19th of George III. chap. 74. be read; which being read accordingly, he proceeded to state his ideas on the mode of punishing felons. At the time, he said, of passing the Act which the House had just heard read, it was generally understood, that it would be beneficial

nessful to this country to adopt a system of erecting Penitentiary Houses for the punishment of felons of certain descriptions. That system had since received the sanction of the Legislature. For the purpose of carrying on a plan upon that system, power had been given to commissioners to purchase ground, on which it was proposed that Penitentiary Houses should be erected. That plan, it was thought, would supercede the necessity of transporting to Botany Bay the same number of convicts that had been formerly transported; but, from a variety of incidental circumstances, the plan had not been fully carried into execution, and it was for that purpose that he called the attention of the House. He did not mean to say that no offenders should in future be transported to Botany Bay; on the contrary, there were many who ought to be transported there, and some for offences on which transportation did not attach by the law at present. Botany Bay therefore would, in his opinion, continue to be a very useful colony to this country, for the reception of many offenders. But although he thought that some were not sent who ought to go, yet he thought that many were sent whose labours might be made better use of in this country. The object of his motion was neither more nor less than to try to carry into effect the plan of employing some of those convicts in Penitentiary Houses; and it went no further than to purchase ground on which such house or houses might be erected. When first this plan was mentioned to him, and when he was told that many of those convicts who were transported to Botany Bay for life, as the terms on which they were to be pardoned, after having received sentence of death, might be usefully employed in manufactures in this country, he owned he thought the scheme a visionary one; but, on more closely examining the mode proposed by a gentleman, whose manufactory was not far from that House, he found that the plan was not only practicable, but also very easy to be carried into effect, viz. by means of a machine, which enabled every man to be a manufacturer, without the assistance of any skill whatever: It might be said to be a machine that gave the power of sight without eyes, and of feeling without hands; merely moving the machine answered all the purposes of completing the manufacture. A great number of persons, he was persuaded, might be employed here, where their labour would be very useful to the Public; and he believed, that with very little additional expence, the produce of the labour would equal the charge of carrying on the work. He observed, that the purchase of the ground on which he intended the penitentiary house to be built, would amount to something more than 6000*l*. He then moved,

moved, "That leave be given to bring in a Bill for erecting a Penitentiary House or Houses on a certain Ground in the Parish of Battersea, in the County of Surry, therein described."

Mr. Powis highly approved of the measure.

Mr. Dundas, in reply, said, that the plan would not only be lucrative to the persons employed, but, he was extremely well satisfied, would defray its own expence.

Mr. Hufsey said, he did not mean to oppose the motion; but before he gave his assent to it, he was desirous of knowing, why the measure had not been carried into effect before?

Mr. Dundas said, that the persons with whom the plan originated, were apprehensive of the expence; but he was satisfied that the same cause of apprehension would not operate at present.

Leave was given to bring in the Bill; and the *Chancellor of the Exchequer*, *Mr. Dundas*, the *Attorney* and *Solicitor General*, were ordered to prepare and bring in the same.

WOOLCOMBERS BILL,

On reading the Order of the Day, for the House to resolve itself into a Committee of the whole House, on the Bill to protect the Woolcombers in their Trade against the Effects of a Machine lately invented for combing Wool,

The Chancellor of the Exchequer opposed it, on the general ground of its being the duty of that House to encourage every invention by which labour was shortened. It was owing to this that our manufactures had multiplied and improved so much of late, and upon it the extension of our commerce essentially depended. To enter into any detail upon the subject, would he thought be unnecessary, because he was confident that nothing that could be said in favour of such a Bill would reconcile him to the principle of it.

Mr. W. Smith opposed the Bill as highly illiberal in its principles, and dangerous in its precedent. He thought that no encouragement should be given to any measure that opposed the exercise of human invention in the abridgment of labour.

A Petition was presented against the Bill.

Mr. Wigley thought that some limitation should be made as to the time of working the machine.

Mr. Balford defended the Bill.

Mr. Rolle said a few words; as did also *Mr. Serjeant Watfon*.

The House divided :

<i>For the Bill</i>	24
<i>Against it</i>	67

Majority 43

EAU BRINK DRAINAGE BILL.

Mr. Yorke, after taking notice of the great importance of the Eau Brink Drainage Bill, moved two resolutions, the substance of which was, that this business should proceed in the next Session as if no prorogation had taken place, instead of commencing *de novo*, as the standing orders of the House would otherwise require.

This, after a short conversation, was agreed to.

The House then went through some private business, and adjourned.

HOUSE OF COMMONS.

MONDAY, May 12.

Mr. Whitbread said that, when his Hon. Friend (*Mr. Sheridan*) gave notice of bringing forward a motion relative to Tests to be taken by persons serving his Majesty in the present war, he conceived that it was not to be opposed; but now, understanding that it was, he must defer it to Thursday next.

On reading the Order of the Day, for the second reading of the Bill for enabling Contractors to sit in Parliament,

Mr. Chiswell, after a few observations on the mischievous tendency and bad consequences of such a Bill, moved, "That this Bill be read a second time this day two months."

Mr. Buxton observed, that he should have been better pleased if this Bill had not been brought into that House at all. He thought that the time when the Bill passed to prevent contractors from sitting in that House was a glorious æra in the history of this country. He expected something like a promise to be made that this Bill should not be brought forward again, otherwise he should think it advisable to move, "That this Bill be now rejected."

The Speaker stated, that, in point of regular proceeding, the motion for the rejection of the Bill could not be made on the day on which the order stood for the second reading, but it would be competent to any Member to move for the rejection at any time afterwards.

Mr.

Mr. Chifwell said a few words.

Mr. Rose was of opinion, that there were circumstances which would prevent this measure from passing at any time.

Mr. Baker thought the measure ought never to have been brought forward, and he hoped that it would never be heard of again.

The second reading of the Bill was then postponed for two months.

The Bill for granting to the King 2,500,000*l.* to enable his Majesty to make good his engagements with the King of Prussia, &c. was read a third time, and passed.

The further consideration of the Aberdeen Paving Bill was deferred to Wednesday the 14th, on the motion of *Mr. Jekyll*.

The Master of the Rolls moved the Order of the Day for the second reading of the Bill for the discharge of Insolvent Debtors, in certain cases, which was done accordingly; and the Bill was ordered to be committed to a Committee of the whole House on Thursday the 15th.

A Petition was presented on behalf of *Mr. Smith*, who had resided for some time at Canton, in China, stating the hardship of his situation, and the grievances that he had suffered, and praying to be included in the provisions of the Bill. Referred to a Select Committee.

Mr. Secretary Dundas brought up a Bill for erecting two Penitentiary Houses in the parish of Battersea, which was read a first time, and ordered to be read a second time the 14th.

Mr. Dent moved, That the Bill for the further Prevention of Delays at Elections of Members to serve in Parliament should be read a third time the 14th.

Mr. Powis thought this Bill was, from the amendments, become a very important one; and therefore he hoped it would be attended to. The order was then made for the third reading on the 14th.

MESSAGE FROM THE KING.

Mr. Dundas brought down the following Message from his Majesty:

“ GEORGE R.

“ His Majesty having received information, that the seditious
 “ practices which have been for some time carried on by certain
 “ Societies in London, in correspondence with Societies in different parts of the country, have lately been pursued with increased activity and boldness, and have been avowedly directed
 “ to the object of assembling a pretended General Convention of
 “ the

“ the People, in contempt and defiance of the authority of Parliament, and on principles subversive of the existing laws and constitution, and directly tending to the introduction of that system of anarchy and confusion which has fatally prevailed in France, has given directions for seizing the books and papers of the said Societies in London, which have been seized accordingly; and these books and papers appearing to contain matter of the greatest importance to the public interest, his Majesty has given orders for laying them before the House of Commons; and his Majesty recommends it to the House to consider the same, and to take such measures thereupon as may appear to be necessary for effectually guarding against the further prosecution of these dangerous designs, and for preserving to his Majesty's subjects the enjoyment of the blessings derived to them by the constitution happily established in these kingdoms.

“ G. R.”

Mr. Secretary Dundas observed, that, in point of form, the only thing he should then do, would be, to move that his Majesty's most gracious Message be taken into consideration the next day, the 14th; but that the Papers to which the Message referred were so voluminous, that he believed there would not be time enough to investigate them on that day.

The Message was ordered to be taken into consideration the 14th.

Adjourned.

HOUSE OF LORDS.

TUESDAY, *May 13.*

The Sunday Bill was read a second time; and

The Bishop of Rochester moved, that it be committed on Thursday the 15th, and that the Lords be summoned upon it.—Ordered.

Adjourned.

HOUSE OF COMMONS.

TUESDAY, *May 13.*

Fleet Inclosure and Drainage, South Kelsey Rectory, Emmanuel Hospital, Bishop of Bristol's and Wilson's Estates, and Aldermeston Roads Bills, were read the third time, and passed.

A new Writ was ordered for the Borough of Ayr, &c. vice the *Hon. Charles Stewart*, Steward of the three Chiltern Hundreds; also for Radnor, vice the *Hon. David Murray*, deceased.

BILL

BILL TO PREVENT DELAY IN ELECTIONS.

A motion having been made for the third reading of the Bill for preventing unnecessary delays in Elections,

Mr. Powis rejoiced at the fullness of the House, as he thought that the importance of the clauses introduced in this Bill, since it had been originally proposed, demanded the most mature deliberation. He should not, he said, at that stage of the business, have at all dissented from it, were it not that the parts which he thought objectionable, or at least so doubtful as to demand further consideration, had been introduced subsequent to the first reading of the Bill. At all events, he contended that the House ought not unadvisedly, or rashly, to pass it with those provisions, as the postponing it to another session could not be attended with any evil so great as that which might possibly arise from its passing into a law. He therefore moved to substitute the words "this day three months," instead of the word "now."

Mr. Fox said, that as the principle of the Bill, and that of the clauses subsequently introduced, were exactly the same, and as that principle had been almost unanimously acceded to by the House in the antecedent stages of the business, he could see no grounds on which it could be objected to, but those of irregularity, if any there was: But he contended, that, on the contrary, all the forms and orders of the House had been scrupulously adhered to; and he himself, in order to rescue the proceeding from the imputation of irregularity, had moved, when promising the additional clauses, that it should be an instruction to the Committee to take them into their consideration. Nay, what was still more, the Bill had been a second time re-committed, and the sense of the House taken upon it; if not by a division, at least by an ample discussion, which ended in their agreeing to it. As this was the case, and as not only the letter, but the substance and the spirit, of the forms and orders of the House, had been strictly adhered to, he hoped that the Bill would be allowed to pass without further delay.

The Master of the Rolls admitted that the orders of the House had been complied with; and said, that had the Bill been suffered to go through the House without any alteration from its original structure, he should not have opposed it. But had he been in the House when the additional clauses were proposed, he should have thought it his duty to set his face against them; for, what was the principle of the Bill? It professed to be a Bill to shorten the duration of elections; a measure he heartily approved of: And what did it amount to now? Nothing less than a Bill to do away an established test.

This, however proper it might appear to be done hereafter, ought not to be done before due discussion and mature consideration. He would not deny that it might be proper to abrogate those oaths; but he thought it was rather hastily attempted, considering the great importance of the measure. He would not say, either, but it was justifiable to give Roman Catholics a right to vote; he observed, however, that this Bill did not substitute, in the place of the abrogated oaths, even so much as the oath enacted by the Roman Catholic Bill passed two years ago, at the requisition of the Catholics themselves; and he could see no reason why the House should not provide that test, at least, which the people themselves had offered.

Mr. Dent was against postponing the Bill.

Mr. Burke said a few words against postponing the Bill. He professed that the enjoining of unnecessary oaths was very improper, whether the subject was considered in a moral, a religious, or a political point of view. The sacredness of an oath, he said, should be preserved in all possible purity, and not blurred with light and needless over-use. As to the oaths proposed to be expunged from the forms of election by this Bill, he was convinced, and so he believed was the House, that they were useless and superfluous, and were therefore, he insisted, very improper to be administered; for oaths, if not absolutely justified by necessity, became criminal, and were in fact a tax upon the conscientious, but no barrier at all to the disaffected or seditious. He was therefore against the postponing of the Bill.

The Chancellor of the Exchequer agreed with his Right Hon. Friend (the Master of the Rolls) that the Bill ought to be postponed, as a doubt had arisen respecting the expediency of repealing the oaths on the one hand, and as no material injury could arise from the delay of it on the other.

Mr. Powis's motion, therefore, passed without a division; and the Bill of course was rejected *pro tempore*.

SEDITIONOUS AND TREASONABLE PRACTICES.

Mr. Secretary Dundas brought up a large packet, sealed up, consisting of papers seized from seditious societies, as stated in his Majesty's gracious message of the preceding day to the House.

The Chancellor of the Exchequer moved, That in order to the House taking it into consideration, his Majesty's message should be read.

The Speaker having accordingly read the message,

The Chancellor of the Exchequer said, that as the House must already be in full possession of the nature of the facts to which
their

their attention was called by his Majesty's message, it was not necessary for him to detain them long. He should therefore content himself with moving, with as much precision as possible, the measures he thought it might be expedient for the House to adopt. The first was one in which he presumed to hope the general concurrence of the House as a thing of course; he meant, the usual address of thanks to his Majesty for his gracious message, and an expression of their resolution to take the matter referred to in it, into their serious consideration. If this motion were agreed to, which he flattered himself it could not fail to be, with even cordial unanimity, he should then, he said, move to refer the Papers to the consideration of a Committee; and afterwards, that such Committee should be a Committee of Secrecy, as most conformable to the customary practice of the House, and best adapted to the particular circumstances of the case. The Papers, he remarked, were sealed up, and in that state ordered by his Majesty to be laid before the House: For as they related to transactions of an extraordinary, formidable, and criminal nature, and contained matter that implicated a number of persons, it was fitting that their names and the examination of them, which would necessarily take up some time before any effectual step could be pursued towards prosecution, should be as secret as possible, in order that the measures which the House might be disposed in future to adopt, should not be evaded by the matter contained in the Papers transpiring prematurely. The House would therefore see the propriety of first referring them to the consideration of a Secret Committee, from whence the whole of the transactions would be laid open at a view to the Public, and of not rendering their future measures abortive by a premature or particular disclosure.

He accordingly moved, That an humble Address be presented to his Majesty, &c.

Mr. Fox declared, that he did not rise for the purpose of opposing the motion, as he conceived it to be in some sort a thing of course, but merely to say a few words previous to his acceding to it. He said, he was the less inclined to oppose it, as he conceived that his assent in no way precluded him from exercising his right to discuss the various subjects referred to in the message when they came properly before the House; and that the questions, whether the object before them was properly fit for their investigation? what the means were by which they were procured? whether the seizure of them was constitutional and legal? (which by the bye was *prima facie* doubtful;) and whether the mode of collecting

the information respecting them was justifiable? were still as open to the investigation and discussion of him and every other Member, as if they refused their assent *in limine* to the Address. What, however, he chiefly wished to remark was, that if the Papers were sealed up, and their contents therefore unknown to the House, he thought it would be wrong to refer them to a Committee, unless precedents were first adduced to ground such a measure: For of all modes of proceeding, the steps which had been adopted in the present case seemed to him to be those which it was most necessary to watch over with vigilance.

Lord Wycombe said he had not any intention of opposing the motion: Far be it from him to deprecate the inquiry which it would lead to; if there did exist any design to subvert the constitution, or to betray its interests, inquiry should be instituted, that the object of persons having such designs, should be made known. If there had been guilt, the guilty should be punished.—If there had been imprudence, the imprudent should be exposed, in order to put an end at once to all those suspicions, jealousies, and perhaps groundless apprehensions which had so long been entertained in this country. He spoke upon this subject without the least influence; he had not the honour of belonging to any of the societies to which the communication from the Throne referred: But if it should appear that the persons alluded to, had only in view an object which was professed by many, he did not find himself disposed to censure them, if they had pursued that object with activity and boldness: On the contrary, he felt himself much inclined to defend those who were desirous of obtaining a Parliamentary Reform, and assembled avowedly for that purpose only.

The Address passed, *nemine contradicente*.

The Chancellor of the Exchequer moved, That the Papers on the table be referred to a Committee.

Granted, *nem. con.*

The Chancellor of the Exchequer next moved, “That the Committee be a Committee of Secrecy.”

Mr. Fox said, he hoped that the Right Hon. Gentleman who made the motion, would either support it by some precedent, or demonstrate that there existed such a distinction between this and former cases, as should induce the House to have recourse to new modes of proceeding unauthorised by precedent. With regard to the argument urged by the Right Hon. Gentleman in support of his proposed mode of inquiry, namely, the fear of discovery defeating the objects of it, he would only say, that those objects, not being sufficiently defined

defined or expressed, could form no ground of argument. Was the object prosecution? Prosecution was already in the hands of the Crown, who seemed desirous of calling upon the House to take their part in it. He wished to know what the object of the Crown was. He could not suppose it was impeachment; for though he would always maintain the inquisitorial right of that House, he thought that impeachment could not properly come from the Crown. He could not, therefore, see why the Committee should be a Secret Committee; yet if, as he had said before, the Right Hon. Gentleman could either cite precedents on the one hand, or mention on the other, grounds sufficient to warrant a deviation from all rule, he would not object to it.

The Chancellor of the Exchequer said, that he had no difficulty at all in shewing, that the mode he proposed was both founded in wisdom and expediency, and supported by precedent. The practice, he said, had invariably been, when papers were laid before the House *sealed up*, to refer them to a Secret Committee. In support of this assertion, he could cite a variety of precedents; Layer's plot, in particular, in the year 1722, in which case the papers were sent sealed to the House, and were referred to a Secret Committee. As to the expediency of the mode, he confessed that he was much surprised on what principle of reasoning the Right Hon. Gentleman, having agreed to its being referred to a Committee, should object to that being a Committee of Secrecy, when the obvious nature of the case (more strongly denoted by the mode in which the papers were laid before the House) shewed that the most secret investigation was necessary.

The Chancellor of the Exchequer earnestly and solemnly conjured Gentlemen to recollect what the object before them went to; it touched, he said, nothing less than the very being of Parliament itself! How, then, could any Hon. Gentleman think of throwing any impediment or objection in the way of an investigation which peculiarly belonged to themselves, which concerned their present existence, and which tended to their future security? What the result of the inquiry might be, he would not presume then to assert: On the report of the Committee, the House would take such measures as would appear most conducive to the security of the constitution. They might possibly interfere themselves; they might possibly refer it to the common course of law: But, previous to taking any step, it must investigate and examine; and that examination could not be made with too much secrecy. He put it to Gentlemen to say, whether, under such circumstances as he had described, it would have been right for the executive government,

ment, on discovering and seizing those documents, to avoid laying them before the House, for the purpose of examining, arranging, or selecting from them? Upon that ground it was, that the earliest communication possible was made from his Majesty; and that communication, followed up by the wise, secret, and salutary measures which he was sure the House would adopt, could not fail of producing very different consequences from those which might reasonably be apprehended from giving the affair premature publicity.

[The case of *Layer*, as stated by the Chancellor of the Exchequer, was then read by the Clerk.]

Mr. Fox said, that, previous to those papers being brought up, and referred to a Secret Committee, the House had been in possession of the business: He thought, therefore, that it did not apply to the present instance.

The Chancellor of the Exchequer's motion was put and carried.

He next moved, "That the number of the Committee be "twenty-one."

Mr. Fox said, he had no objection to the number; twenty-one was perhaps as proper as any other; but there were some things which he wished to know respecting this transaction. He was particularly desirous to be informed, what had been the mode of obtaining those papers? There was an ambiguity in the words of the message which left him at a loss to determine respecting that particular; and he therefore wished to know, on which of the grounds stated in it, the seizure of the papers had been made? Was it only on the grounds of the seditious practices, or on an allegation that the persons implicated had entered so far on the execution of the plan of a General Convention as to be guilty of an overt act of treason? As a Member of the House of Commons, and a friend to the constitution, he respected the opinions of Parliament; and it was a resolution * standing on the Journals of that House, that seizing the papers of a person accused of a libel was illegal, founded on the principle that such an extreme step should not be taken unless there was an actual allegation for treason or felony. He therefore insisted, that by the resolutions of that House, he was warranted in saying, that seizing papers for seditious practices, or for any thing short of treason, was illegal. If, then, the present seizure was made on an allegation for seditious practices alone, it was, according to the declared sense of the House, illegal: If otherwise, it might be legal. He therefore wished that the House was informed which it

* In *Mr. Wilkes's* case in 1766.

was. The case he alluded to, occurred, he said, in 1766. It was discussed and determined on the generality of the warrant. He therefore pressed ministers to give an answer to the question he had put, as he was averse to countenance any thing that might militate against the resolutions of that House.

Mr. Secretary Dundas replied, that what the substantial grounds of seizure were, the House would be able to judge when it should come before them in the report of the Committee. There was not, in his conception, the smallest ground for doubt as to the legality of the proceedings; and he would at present solve the Right Hon. Gentleman's doubts, by telling him, that the warrants were grounded on allegations for treasonable practices.

The Chancellor of the Exchequer said, that he believed the customary mode of forming such Committees was by ballot; which

The Speaker agreeing to, the ballot was appointed for the 14th.

The Speaker said, that it was always customary, in cases of sealed papers being laid before the House, to deliver them to the custody of the Clerk.

A motion to that effect was therefore made, and carried, *pro forma*.—Adjourned.

HOUSE OF LORDS.

WEDNESDAY, May 14.

The Bills on the table were read, and the House adjourned.

HOUSE OF COMMONS.

WEDNESDAY, May 14.

Leave was given for a Bill to supply the conquered French Islands with Corn; which was presented, and read a first time.

A Petition from the Vicar of Battersea was presented against the Penitentiary House Plan.

A Petition was presented from the Bankrupt Prisoners of the King's Bench. To lie on the table.

Petitions were presented from the Prisoners of the Marshalsea, Fleet, Hull, and Nottingham Gaols. To lie on the table.

The Public Accounts and Brazen-nose College Estate Bills, were read a third time, and passed.

The

The Members delivered in lists for a ballot for a Committee on the Seditious Papers, which, on calling the House, were referred to the Committee.

Several Papers on the subject of Sedition were presented, and referred to the Committee.

Adjourned.

HOUSE OF COMMONS.

THURSDAY, *May 15.*

Mr. Howard's Divorce Bill having gone through a Committee of the whole House, without any amendment, was read a third time, and passed.

Mr. Sheridan lamented, that he was extremely unfortunate with regard to a motion of which he had frequently given notice, and which, from unavoidable circumstances, he had more than once been obliged to postpone. He was in the same situation that day, in consequence of having received a letter from the Secretary of State, and the Chancellor of the Exchequer, stating, that they, and other Members, were attending to business of great importance, and could not possibly be in the House that day. He said, he had once indulged hopes that the minister would have supported the motion, but he had since learned he was not to expect it. He, therefore, though reluctantly, should postpone his motion to Monday the 19th.

The House agreed to go into a Committee on the Insolvent Debtors' Bill the 17th; and into a Committee on the Bill for regulating the mode of carrying Slaves from the Coast of Africa on Tuesday the 20th.

The Bill for appointing Commissioners to administer Oaths to Electors voting for Members to serve in Parliament passed the Committee; and the report was ordered to be received the 17th.

Adjourned.

HOUSE OF LORDS.

FRIDAY, *May 16.*

Heard Counsel, in a Committee of Privileges, in the claim of Thomas Stapleton, Esq. of the county of York, to the barony of Beaumont.

Heard Counsel on a Writ of Error, Lonsdale plaintiff, Littledale defendant.

Lord

Lord Grenville said, he believed it was a matter of course to adjourn the House until ten o'clock on the following day, when they were called upon to meet for the dispatch of business, although the House actually did not proceed to business till some hours afterwards. As this notice was generally understood to mean the usual time of meeting, he wished that twelve o'clock should be understood by their Lordships as the hour of proceeding to business next day. He thought it necessary to apprise their Lordships, that business of a nature the most urgent induced him to desire their early attendance, and he therefore trusted, that their Lordships would be punctual.

HOUSE OF COMMONS.

FRIDAY, May 16.

Mr. Secretary Dundas put off the Committee on the Bill for building Penitentiary Houses to Tuesday the 20th of May.

Mr. Windham moved, That the Secret Committee might sit notwithstanding the sitting of the House, and that they should report from time to time. Ordered.

REPORT FROM THE SECRET COMMITTEE.

The Chancellor of the Exchequer brought up the Report* from the Secret Committee, appointed to examine the Papers belonging to different Societies, and to report their opinion thereon to the House.

[The Report was read by the Clerk at the Table, and contained the history of the proceedings of the Society for Constitutional Information and of the London Corresponding Society, and their communications with other Societies in the country, in Scotland, Ireland, and France, from the year 1791 to the present time.]

The Chancellor of the Exchequer said, that the Committee of Secrecy had formed their opinion on the papers submitted to their examination with the greatest expedition, and their Report stated so fully and particularly those circumstances, which in the judgment of the Committee required the immediate attention of Parliament, that he felt it hardly necessary for him to do more than shortly to recapitulate the different objects to which that Report applied, and the various particulars which came under their consideration. Gentlemen would perceive that that Report, so expeditiously laid before the House, contained a general view of the transactions referred to the Committee, without waiting for a more minute investigation, and

* For a copy of the Report, see the Appendix to this volume.

was shortly this: That it appeared to them that a plan had been digested and acted upon; and at that moment was in forwardness towards its execution; the object of which was nothing less than to assemble a pretended Convention of the people, for the purposes of assuming to itself the character of a general representation of the nation; superseding, in the first place, the representative capacity of that House, and arrogating, in the next place, the legislative power of the country at large. It would be for the House to consider whether the circumstances contained in the Report impressed their minds with the same conviction with which they had impressed the minds of the Committee. If they did, he could not have a doubt but that they would lead to the same practical conclusion, namely, that if such designs existed, if such designs had been acted upon and were in forwardness, that there was not one moment to be lost in arming the executive power with those additional means, which might be sufficient effectually to stop the further progress of such a plan, and to prevent its being carried into final execution.

It was chiefly necessary for the House, in considering the Report, to recollect, that a great part of it was merely introductory; and that, though it stated transactions of a date long antecedent to the period in which the acts of the Societies implicated had assumed the serious aspect of practical treason, and though they were of notorious publicity, it was nevertheless necessary to bring them forward again to observation, to give a clue to unravel the complicated circumstances of the plan, and, by comparison and combination of them with the subsequent proceedings of the individuals concerned to shew, that from the beginning their views were the same, and that the pretext of Reform, under which they masked their purpose, was far from being the true object of their intentions. The House would also carry along with them, that the Committee, having been stinted in point of time, had not been able to digest methodically, or point out distinctly, the various minute parts that formed the great and momentous business before them; in order to give the House, however, as soon as possible, possession of so much of it as might serve to point out the daily and increasing approximation of danger, the Committee, in examining and making up the Report, had kept in view the great object, the leading design of the plan: For it was not to be imagined, that the distance of the transactions in point of time, and the fact of their being previously known, made them the less material as comments on those parts of their conduct which were discovered in their full maturity.

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It would appear from the Report, that the papers found, as far as related to that part of the conspiracy which immediately implicated the Corresponding Society, and that for Constitutional Information, contained two years correspondence with various other Societies in this and a neighbouring country; and from these, coupled with their subsequent and more recent proceedings, it was evident that those Societies which would be found to be now setting on foot a Convention, had had such a measure in contemplation from the very outset; that it was conceived so long ago as two years back, was openly avowed in their correspondence, but kept in reserve to be reduced to practice as soon as a seasonable occasion should offer. This whole system of insurrection would appear from the papers found with them, to be laid in the modern doctrine of the Rights of Man; that monstrous doctrine, under which the weak and ignorant, who are most susceptible of impression from such barren abstract positions, were attempted to be seduced to overturn government, law, property, security, religion, order, and every thing valuable in this country, as men acting upon the same ideas had already overturned and destroyed every thing in France, and disturbed the peace and endangered the safety, if not the existence, of every nation in Europe. However Gentlemen might ground arguments against the cautionary measures taken to prevent the evil effects of that pernicious doctrine, on the contemptible situation of the authors, and the absurdity of the principles of those books in which it was inculcated, yet, allowing the one to be in the extreme as contemptible as the others were absurd, it was no light or trivial circumstance, when, deduced from it, alarming principles were promulgated and eagerly adopted by large bodies; and when the proceedings of all those Jacobin societies would appear (as the papers before the House fully demonstrated) to be only comments on that text: A text for the inculcation of which those societies were the disciples here, as their corresponding French brethren were the instruments for disseminating it in France, and extending it by carnage and slaughter to all other parts of Europe.

It would appear, the Chancellor of the Exchequer said, that prior to the enormities committed in France, a correspondence had been carried on between those Societies and the Jacobin Club in Paris; and that delegates were sent from them to the National Convention, and received formally by that Assembly; and that at the very moment when the Jacobin faction which usurped the government of that country had commenced hostilities against Great Britain, those Societies still, as far as they could, had pursued the same conduct, ex-

pressed the same attachment to their cause, adopted their appellations, forms of proceeding and language, and, in short, had formed a settled design to disseminate the same principles, and sow the same seeds of ruin, in their own country. It would be found, not only that the most effectual plans which cunning could devise had been laid to carry this design into practice, but in the Report would be seen a statement of the Catalogue of Manufacturing Towns marked out, as the most likely (from the vast concourse of ignorant and profligate men who necessarily collect in such places) to adopt their plans, and Corresponding Societies established there, to keep up the chain of seditious intercourse, and promulgate and give it universal circulation. Gentlemen would find in that Catalogue a well-chosen selection of the places where those people dwell, who must be naturally supposed most ready to rise at the call of insurrection, who were most likely to be blinded by their artifices, and prejudiced by professions, whose understandings were most subject to be misled by their doctrines, and rendered subservient to their views, and whom fraudulent persuasion, proneness to discontent, and the visionary and fallacious hope of mending their condition by any alteration of it whatever, would be most likely to congregate into an enormous torrent of insurrection, which would sweep away all the barriers of government, law, and religion, and leave our country a naked waste for usurped authority to range in, untroubled and unresisted.

In considering this subject, the House could not but remark the extraordinary manner in which those Societies had varied their plans of operation; sometimes acting in undisguised audacious hostility, sometimes putting on the mask of attachment to the state and country; one day openly avowing their intentions, as if purposely to provoke the hand of justice, the next putting on the mask of reform, and affecting the utmost zeal for the preservation of the constitution. In their letter to the Society at Norwich, would be seen a plain avowal of their object, an *apology for designing to apply to Parliament*; and a candid, sincere confession, that, not to the Parliament, not to the Executive Power were they to look for redress, but to the Convention which they proposed to erect, and to themselves: Afterwards they recommended persevering in petitioning for Reform to be used as a mask to their designs, which they were to throw off when time served, and a period propitious to their views should arrive. Happily for this country, and for the whole world, they had prematurely thought that period at hand, and thrown off the mask just when the bulk of the nation unanimously were uniting with

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Government in vigilance and care for its protection, and in the resolution to oppose their efforts.

By a due attention to the correspondence of that Society, the House would find, in their communication with the British Convention at Edinburgh, which still retained some flimsy remnant of that disguise, some remains of that hypocrisy assumed to hide those designs which, though not publicly declared, too obviously appeared—that they styled this Convention the Representatives of the People, clothed in all the right to reform, and sent delegates to it; and, when some of the most mischievous and active of its members fell under sentence of the law, that they boldly asserted their innocence, nay their merits, directly in the teeth of that law, paid every tribute of enthusiastic applause to the persons convicted by the verdict of juries legally constituted, and of respect to the Convention, pronouncing them objects of panegyric and envy. In conformity to their prior declarations, and to the plans of insurrection laid by them, they made the legal condemnation of those guilty persons the signal, as they styled it, of *coming to issue* on the point, “Whether the law should frighten them into compliance, or they oppose it with its own weapons, to wit, force and power?” That is to say distinctly, “Whether they should yield obedience to the laws of their country, or oppose them by insurrection?” That was avowed in as plain and marked language as man could possibly conceive. He thought that that case, so circumstanced, and supported by such a variety of coincident matter, was as strong a case as the mind of man could well imagine; yet, singular though it might appear, all this was but introductory to facts of a still stronger nature which were to follow. He should call the attention of the House to the history of a Society which, despicable and contemptible though the persons who composed it were, as to talents, education, and influence, yet when looked at with cautious attention, and compared with the objects they had in view, and the motives on which they acted (namely, that great moving principle of all Jacobinism, the love of plunder, devastation, and robbery, which now bore the usurped name of liberty, and that system of butchery and carnage which had been made the instrument of enforcing those principles), would appear to be formidable in exact proportion to the meanings and contemptibility of their characters. Of that society the characteristic was, that, being composed of the lower orders of people, it had within it the means of unbounded extension, and concealed in itself the seeds of rapid increase. It had risen already to no less than thirty divisions in London, some of those containing as many

as six hundred persons, and was connected by a systematical chain of correspondence with other Societies scattered through all the manufacturing towns where the seeds of those principles were laid, which artful and dangerous people might best convert to their own purposes. It would appear in proof, that that Society had risen to an enormous height of boldness, and erected in itself, in express terms, a power to watch over the progress of Parliament, to scan its proceedings, and prescribe limits for its actions; beyond which if it presumed to advance, that august Society was to issue its mandate, not only to controvert that act, but to put an end to the existence of Parliament itself; so that if the Parliament should think it necessary to oppose, by any act of penal coercion, the ruin of the constitution, that would be the war-whoop for insurrection; the means of our defence would become the signal for attack, and the Parliament be made the instrument of its own annihilation. Such language as this coming from people apparently so contemptible in talents, so mean in their description, and so circumscribed in their power, would, abstractedly considered, be supposed to deserve compassion, as the wildest workings of insanity; but the researches of the Committee would tend to prove, that it had been the result of deep design, matured, moulded into shape, and fit for mischievous effect when opportunity should offer.

About six weeks since there had arisen a new æra in this history of insurrection, in which the House might contemplate those great machines of Jacobinism, the Societies alluded to in the Report. At that period the Corresponding Society had laid, in due form, before the Society for Constitutional Information, a deliberate and deep-concerted plan for actually assembling a Convention for all England; not to be the Representatives of these particular bodies for the accomplishment of particular legal purposes, but to be the Representatives of the whole body of the people of England, and evidently to exercise legislative and judicial capacities, to overturn the established system of Government, and wrest from the Parliament that power which the people and the constitution had lodged in their hands. Within a few weeks the plan was fixed upon to be carried into execution; and in their Circular Letter they precisely and emphatically stated, that *no time was to be lost*; and lest, by any possibility, their ruinous intentions should be misunderstood, the letter was addressed equally to all parts of the island, and circulated with a share of vigour, cunning, and address truly astonishing. It contained also a declaration, that a central spot was fixed upon, which they would not venture to name till they had assurances of the fidelity
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of those to whom they were to disclose it; which central spot they chose, as they themselves asserted, for the purpose of having with greater facility the delegates of the whole island present when they assembled; and they particularly desired each separate Society to send an exact account of the number of its members, friends, and adherents, in order to estimate their force. Of this they informed the Society for Constitutional Information, in a Letter, accompanied with a set of Resolutions.

It might be objected, that men of the description which he had stated, could not be expected to act so consistently, and under such well-managed disguise; but when, on inspection, it appeared that their plans had been carried on with a degree of cunning and management that greater men in worthier causes had failed in manifesting, that objection could have no weight when opposed to evidence thus incontrovertible. Who was there that knew what Jacobins and Jacobin principles were, but must see, in the pretences of Reform in Parliament held out by these Societies, the arrogant claims of the same class of men as those who lorded it in France, to trample upon the rich, and crush every description of men, women, and children; the dark designs of a few, making use of the name the People to govern all; a plan founded in the arrogance of wretches, the outcasts of society, tending to enrich themselves by depriving of property, and of life, all those who were distinguished either for personal worth or for opulence? a plan which had been long felt by the unfortunate people of France in all its aggravated horrors, and which, he feared, would long, very long, continue to be felt by that ill-fated country.

From the period he had mentioned they had acted upon that horrible plan; and subsequently (on the 14th of April) the House would find a meeting of the Society; their proceedings in which meeting carried with them no faint illustration of what they might be expected to do in the full majesty of power. There would be found Resolutions arraigning every branch of the Government, threatening the Sovereign, insulting the House of Peers, and accusing the Commons of insufficiency; there would be found notice taken of the measures of Parliament, which had been previously made the signals for an insurrection of the people, and declarations that certain measures, if adopted, whether with or without the consent of Parliament, should be rescinded, under their doctrine, *Salus populi suprema lex*, and that the constitution had been utterly destroyed. Could there be a more explicit avowal of their views? All the materials from whence proof of these allegations was drawn, rested on their own authentic records, and

and on the express and unequivocal avowal of their own deliberate acts in their meditated system of insurrection. This was the essence of the subject; but if the House were of opinion, that this so deeply affected the safety and existence of Parliament itself, and struck at the root of Government and the constitution, as to demand interference, there were, in addition, other things which must contribute not a little to increase the impatience of the House to baffle the views of those conspirators, and stop the final execution of their projects.

For his part, the Chancellor of the Exchequer said, such was his opinion of the British constitution, that, even supposing the Executive Government had been guilty of every neglect of their duty in watching over its safety, and Parliament had been supine under those manifestations of sedition, he conceived its enemies must nevertheless have failed of success; but however persuaded he might be of this fact, it was still right to prevent, by timely interference, the small misery which a short struggle might necessarily produce, and to save the nation at large from the reproach, that they had seen such acts, and heard such avowals, without having adopted proper steps to check their execution, and punish those who were so wicked as to devise them. There were stated in the close of the Report, on grounds not light or trivial, though not minutely entered into in the Report till fuller investigation by the Committee, allegations *that arms had been actually procured and distributed by these Societies*, and were in the hands of those very people whom they had been striving to corrupt; and that even now, instead of breaking up this formidable league, and disbanding and dispersing this Jacobin army, they had shewn themselves immoveably bent on the pursuit of their purpose, and displayed preparations of defiance and resistance to the measures of Government.

It remained for the House to consider what was to be done; and in considering that, they would not refer to the quality of the persons, but to the nature and magnitude of the objects they had in view. It would be found, when the causes and proceedings were taken into contemplation, that so formidable a conspiracy had never existed. The inquiry was yet far from complete, and unfit for final decision, the documents being very voluminous; but the Committee had deemed it their duty to shew the House that instant precaution was necessary, and had therefore, though unable to finish the important research, laid before the House what they had yet done, which he hoped would be thought sufficient grounds for adopting the measure he intended to propose. It had been usual, in time of danger,

to enact a temporary suspension of the *Habeas Corpus* law. As that great and essential benefit to the subject had been suggested and provided for the preservation of the constitution on the one hand, so on the other it could not exist if the constitution was gone. The temporary sacrifice of that law might be on certain occasions as necessary to the support of the constitution, as the maintenance of its principles was at all others. It had been suspended at a time when the constitution and liberty of the country were most peculiarly guarded and respected; and such a suspension was more particularly called for at this crisis, when attempts were made to disseminate through the realm, principles and means of action that might endanger that constitution for the preservation of which that law had been made, and which might produce much more lamentable effects, and at last require a remedy greater in extent and more dreadful than the one now proposed. This was not his opinion alone, but the sentiments of all those respectable Gentlemen of the Committee who had investigated the matter. He should therefore move for leave to bring in "A Bill "to empower his Majesty to secure and detain all such persons "as should be suspected of conspiracy against his Crown and "the Government, &c."

Mr. Fox rose, and observed that, however unpleasant it was for him to attend that day in the House, on account of indisposition, he had thought it his duty to do so, on being told that the Report of the Committee of Secrecy was to be made; for in the course of that Report he had expected to have heard something new, and something that might call for the immediate attention of the House. He had listened, with all the attention he was master of, to the Report; and he must confess he never was more surprised in his life, than that those who formed the Report, men of such talents and character, should have thought it necessary to recommend so sudden, so violent, so alarming, a remedy as that which had been proposed; a proposal grounded upon facts that had been, all of them, notorious for years. He was aware there was some part of it which stated to be something new; but of that he should say something presently. He was surprised, however, that the Committee should call the attention of the House so solemnly for the purpose of telling them that two years ago a Society had come to certain resolutions, which were published in every newspaper in the kingdom; to tell the House in a pompous, public, formal manner, what had been presented to the National Convention of France, and what answers had been given; to inform the House in detail what Administration had been passing before them day after day, and then to call on the

House for its immediate consideration of the probable effect of such events, and of the necessity of putting an end, by the most violent of all means, to what had so long been suffered to pass in silence. The Report however was not a mere report of these stale, ridiculous, contemptible facts; it stated also an inference arising out of them. He could not arrive so readily as the minister at a conclusion upon these points, taking them all to be exactly as they were related. He begged leave to differ from him and from the whole of the Committee upon that subject: He thought the inference of the Committee unfair: He would go further; he thought that taking, for the sake of argument, the inference to be fair, that would not warrant the measure proposed. He should not go into the question whether these persons had acted consistently or not; that was not matter for consideration then: Through the whole course of the business they had wished for a Convention, for the purpose of legally obtaining a Parliamentary Reform. The Convention at Edinburgh had been taken notice of; that Convention, in all its proceedings published in the newspapers, had uniformly stated their views to be not to oppose the power of Government, but to seek redress of grievances. With regard to Conventions of this sort, was the minister prepared to say they were seditious? He did not know that the present minister was a member of any former Convention, but he himself certainly was a Member of one in the year 1780; they were chosen as delegates, and had several meetings in London and Westminster afterwards: And if that was illegal, all he could say was, that they carried on their proceedings with great imprudence, for they went on in the most public manner, and held correspondence publicly with Societies in Yorkshire and other places; they presented the result of their labours to the House; the House refused to recognise them in such a character as delegates, but said that they had a right to petition as individuals, and therefore received their petition. He mentioned this merely to shew that such a Convention was legal; never till lately had such a measure been thought either against the letter or the spirit of the constitution. If it had been illegal, the minister had been scandalously negligent, and so had many others. A scandalous negligence must have attended the obtaining a free constitution for Ireland. A scandalous negligence alone could have suffered the Roman Catholics of Ireland to obtain what was lately granted to them, for it was by a Convention they obtained their late privileges. His Majesty had received them in the capacity of delegates, and granted their request. Happy was it for them, and happy for a great part of the rest of the world, that such an event had happened.

happened. His Majesty had received them with that benignity which belonged to his character; but would it be contended, that the Roman Catholics would have gained this object, if it had not been for a Convention? He indeed well knew what extraordinary things were attempted by those who were supported by great numbers. Let Gentlemen look to the rejection of the Roman Catholic petition: In the first application of the Roman Catholics to Parliament there were only about five and twenty in its favour, but how differently were they received the next year, when they were so supported, and when they appointed a Convention of delegates? After that, would any man say that he had a doubt of the means by which this had been effected? But when he made this remark, was he consequently saying that the proposed Convention in the present case would be meritorious? No such thing; he was giving no opinion upon that subject; he only said that it would be dangerous for that House to declare its illegality. There was not any other charge against these persons, than that they might of their own authority make an attempt to alter the form of Parliament; now he asked if any Gentleman was prepared to say, that that very Convention would not apply to Parliament for a Parliamentary Reform?

With respect to the number of these persons, he really believed that it was not very considerable; that they had increased since their first formation, he had no doubt; for it would be strange, if the measures of Administration had occasioned no dissatisfaction in the country; it would be wonderful in our history indeed, if a war of two years, carried on upon such principles, and attended with such disastrous circumstances, had not excited a spirit of discontent and resentment against the authors of those calamities. He would go further, for he would not be intimidated; many internal circumstances, many things had taken place, to which he should never subscribe; the punishments lately inflicted in Scotland were of the same nature; he did not agree with any of these things; on the contrary, he agreed with those who thought these proceedings an abuse of the power of Government, an abuse of law, an abuse of justice, an outrage to humanity, and likely to tend to alarm every man in England who had the least esteem for the principles of liberty; since, if these proceedings should become general, there was an end of all liberty.

With regard to the nature of the Convention which had been so much talked of, Mr. Fox said, he must make one observation: If the minister meant such a one as he stated, or as he pretended to mean, it was perfectly ridiculous; the

idea of these persons assuming the authority of government, was so contemptible and ridiculous, that Bedlam was the only receptacle that was fit for them: To pretend alarm therefore on that account must be gross affectation. Suppose 100 of these persons were to issue the orders of a Government, was there 100 in the kingdom that would obey them? But he would suppose this Convention assembled by Mr. Hardy and Mr. Adams, and that they had the views ascribed to them; he would then say that the measure now proposed was an evil infinitely greater than that which it proposed to remedy. Was the House aware of the extent of that measure? Let them recollect it was no less than giving to the executive authority absolute power over the personal liberty of every individual in the kingdom. It might be said that ministers would not abuse that power; he must own for his part that he did not feel himself very comfortable under that reflection; every man who talked freely, every man who detested, as he did, from his heart, this war, might be, and would be, in the hands and at the mercy of ministers. Living under such a Government, and being subject to insurrection, comparing the two evils, he confessed, he thought the evil we were pretending to remedy, was less than the one they were going to inflict by the remedy itself. We were going to give up the very best part of our constitution; and that which every man was entitled to do, and which he was now doing, delivering the sentiments of his heart upon the affairs of Government for the benefit of the Public, would be at an end at once. Might he not then say there was an end of the constitution of England!

But was there any instance, on such an occasion, of such a measure? Such a measure had been adopted in the reign of King William. Was that similar to the present reign? The same measure had been adopted in the time of the rebellions in 1715 and 1745. Were the circumstances then similar to the present? At that time there was an army in the kingdom in favour of a Popish Prince, claiming a right to the Throne; and that too, if we were to credit report, at a time when the people were a great deal divided in opinion as to the propriety of the succession of the House of Hanover. Was there any such Prince now? were there any such circumstances now? Nothing like it: Here we saw a number of individuals without arms, without means of any kind whatever, talking of a Reform in Parliament. Such being the circumstances, he must say, that House would betray its duty to the constitution, if it should agree to the present measure. Having said thus much, he had but one thing more to submit. If the business

business was to be proceeded in, there ought to be a Call of the House upon it, that every Member should render himself in some degree responsible for it by his vote; the danger, supposing any to exist, which he did not believe, was nothing when put into comparison with the mighty sacrifice proposed by that measure. He saw this measure in so dreadful a point of view, that he should consider himself as having betrayed his constituents and the Public, if he did not oppose and take the sense of the House upon it even in the first instance; for in his opinion they by this Bill would surrender the personal freedom of every man in the kingdom to the will and caprice of the minister.

Mr. M. Robinson condemned the measure as unfounded and impolitic, and thought that ministers were carrying things too far. One Right Hon. Gentleman (*Mr. Windham*), whose conduct in that House had entitled him to respect in general, he could not but observe had gone so far as to say, that the laws of this country should be brought to the standard of the Scotch laws, a position which every honest and independent man, who retained the slightest regard for the freedom or happiness of his country, must highly reprobate.

Mr. Martin professed himself dissatisfied with the Report, when compared with the mighty sacrifice proposed. He was attached to the constitution, and thought that any person who attempted to destroy it ought to be punished; but he could not consent to the entire surrender of the liberty of every man in the kingdom upon so trifling an excuse.

Mr. Lambton said, that if he saw any thing like insurrection, or any serious danger, he should readily concur in the measure proposed, and consent to surrender the constitution for a short time, for the sake of its future security; but he could not see any such grounds from the Report laid before the House, which was nothing more than a repetition of what had been introduced more than once in the speeches of a Right Hon. Gentleman (*Mr. Burke*), and which then, when his Hon. Friend (*Mr. Sheridan*) moved for a Committee, to inquire into the grounds and foundation of the alarm occasioned by these and other such papers, the House thought it a motion of so useless a nature, that they rejected it. Yet now, upon those very grounds which were deemed insufficient to justify inquiry, was founded a reason for a temporary suspension of our best rights and privileges.

Mr. Harrison said that he agreed in the opinions of his Hon. Friend on the same side of the House, and saw nothing in the Report that justified so extraordinary a measure as the suspension of the *Habeas Corpus Act*, which every well-wisher to his country

country must consider as the palladium of British liberty. If, however, leave were given to bring in the Bill moved for, there were two clauses which he thought it would be absolutely necessary to move; the one was, that while the suspension of the *Habeas Corpus* Act continued, the House should continue to sit; and the other, that an account should be rendered by the Executive Government, to that House, of all persons apprehended and confined under this Bill, because it would give to the ministers the power of throwing in jail, and detaining any person whom they might incline to distress; and that upon any supposed reason or pretext, that they chose to alledge, or make use of. With regard to the Report, it certainly contained nothing but what had been publicly known long before, except one point which the Right Hon. Gentleman had stated; he meant the idea that those people who were to form the Convention had been providing arms, and were nearly ready to use them to enforce illegal purposes. If this had been really the case, of which, however, no proof was offered, it was of itself an overt act of treason; and surely there were existing laws in the country to find a suitable punishment for such an heinous offence. For these reasons, and from every consideration which he had time to examine of the subject, and of the Report, he was clearly of opinion, that he would be doing an injustice to himself, and deviating from his duty as a Member of Parliament, and his duty to his constituents, were he to suffer so great an infringement on the liberties of the subject, upon such frivolous pretences, to pass unnoticed; he would therefore give his decided negative to the motion, unless something very different from what he had yet heard could be brought forward.

Mr. Burdon thought there was not sufficient ground to disapprove of the present measure in the first instance. The Report he conceived sufficient to induce him to concur in the measure, not doubting, but as the Committee, to whom those papers had been referred, were very respectable, that, previous to the Bill's passing, they should have every necessary information on the subject.

Mr. Grey declared, that it was impossible for him to give a silent vote upon so important a question; and though it was not his intention to go into it at much length, particularly after the able manner in which it had been treated by his Right Hon. Friend, still when a question came to be agitated, that tended to deliver over the personal liberty, the property, and perhaps the lives, of the subject, to the power and will of the Executive Government, it became every man's duty in that House to resist such a measure, especially when those who brought

brought it forward had advanced no proof of any sort that could make it appear a measure of necessity, policy, or expediency. He certainly could not agree with the Hon. Gentleman who spoke last, that this was, as a first step, to be justified or supported; and he might fairly argue, from the Hon. Gentleman's own words, that the Report, that notable compilation, which had been just read, was so incomplete, and so little satisfactory, as not to justify any proceeding upon it, far less such a Bill as had been then moved for.

It was not his wish, Mr. Grey said, to enter at large upon the question before the House; there would certainly be other stages of the Bill on which he and others, who were not then present, might find it necessary to go into a much fuller and more particular discussion. It was therefore his intention, as soon as the present question was disposed of, to move that the House should be called over, that those who knew nothing of what was to happen that day, might have an opportunity of attending in their places, and giving their votes; the only way of shewing their attention to their constituents and the People of England, upon a question the most important, and the most alarming, that could be agitated in that House, and where their best and dearest interests were so much at stake. Another thing which he meant to propose was, that the Report should be printed; and to neither of these did he think that any well-grounded objection could be offered. With regard to the Report itself, he felt as much astonishment as his Hon. Friends, when he considered for a moment its contents, and had never been more surprised in his life-time, than by the proceedings of the present day. It had not been till late the preceding night, that he heard by accident that a Report from the Committee of Secrecy was to be made that day. It was his intention to have left town that morning, to attend a business which he felt to be of very great importance; but when he found that a question of the magnitude and importance which this was, in which were involved the personal liberties of the subject, and the most valuable rights of the people of England, was to be agitated, he was compelled by his duty to his constituents, and as a Member of Parliament, to attend in his place at a time when nothing but such a sense of duty could have induced him to absent himself from another place, where he had the most earnest wish to be present. He was surprised that a measure of any sort could be founded on those trumpety papers alluded to in the Report, almost all of which had been published above a year ago; and, if worthy of notice, ought to have been attended to last year, when at a meeting of Par-
liament

liament there seemed to some Gentlemen to be so much cause for alarm.

Mr. Grey concluded with stating, as he had done last year, that it was observable in that House, that those who were most violent in their declamations against the proceedings of France, were the most servile in their imitation of those proceedings; and nothing, in his mind, could be a stronger proof of this, than the whole conduct of ministers for the last two years.

Mr. Wigley thought there were ample and sufficient grounds stated in the Report, and in the Message from the Throne, to convince the House of the propriety of bringing in such a Bill as that moved for, and said he should therefore give his support to the motion.

Mr. Jekyll rose to reply to the Learned Gentleman who had just sat down, and expressed his astonishment that the Report which had just been read, contained nothing; in fact or in substance, that had not been published long ago, and ought to have been noticed at the time, if worthy of notice now; and if there was any reason that could be given for resisting his Hon. Friend's wish that it might be printed, it must be that all its contents had been printed and published already. His surprise was considerably increased, when he knew the respectable and Hon. Gentlemen who composed the Committee, and from whom some Report of a very different nature might have been expected; but it seemed they had proceeded more upon an idea of panic and alarm than on any other. There were some of them, indeed, who had been originally alarmists; but it looked as if the friends of those who had not taken the alarm in a natural way, were determined that they should have the malady, and had taken effectual care to have them inoculated with the infection communicable by the company they had kept. When the House attended to the mouse which this mountain had produced, he believed there was not a man in it who would not say with him, that the minister had brought forward one of the most violent, destructive, and daring measures that he could have ventured to suggest, upon grounds the most miserable, flimsy, and ridiculous that ever were heard of. *Mr. Jekyll* justified every part of his own conduct since the commencement of the disturbances in France, and the origin of the alarms in this country, and referred to the words of a Noble Friend of his (*Earl Wycomb*) on a former night; who had emphatically said, if there was guilt, it ought to be punished; if there was imprudence, it ought to be exposed; but, at the same time, improper insinuations

ations ought to be avoided, misrepresentations prevented, and calumnies refuted. As to the effect of that night's proceeding, and the absurdity of the grounds upon which it originated, he would only say, that if the minister had been paid by the enemies of this country, he could not have held out better hopes to them, or given them more real satisfaction, than his conduct that night must do. In addition to the news of the defeat of Clairfayt, which they would receive about this time, he doubted they *would be still more* pleased, as enemies to this country, to see the minister's statement, that the People of England were disaffected to their Government, and suspected so far, that it became necessary to follow up the French practice, and institute a Committee of Secrecy, of Public Safety, or any thing else that they chose to call it. This, he was assured, would be a matter of much satisfaction to the enemies of the country. Mr. Jekyll concluded his opposition to the motion by stating, that the conduct and measures of Administration for some time past, had tended to put an end to public and private confidence, and destroy that happiness and harmony in society which used to be the characteristic of British subjects. The question began now to be generally called for, when

Mr. Sheridan said, that he had waited with much attention and expectation to hear some argument used, of which he found the Report so perfectly destitute, in favour of such a measure; but he at last saw that it was not the intention of the other side to bring forward any thing like a shadow of reason to account for their conduct. That was a question, however, of such magnitude, that he should think it criminal to give a silent vote upon it. Before he proceeded farther, some notice was due to that extreme impatience for the question which the minister and his friends evinced, an impatience and a manner of expressing it, which he did not hesitate to say was completely indecent; yet, while liberty of speech and liberty of Parliamentary proceeding in that House remained (and he did not believe it could long remain if such a Bill passed), he would never so far forget his duty to the country as to allow it to pass in silence; however much it might be the wish of ministers to hurry through the House a measure, which, to use the language of his Learned Friend, was one of the most daring, abominable, and unprecedented, that had ever been offered to the consideration of a British House of Commons. He held, that the minister's attack upon the people of Great Britain, by falsely telling France, that the people of this country were so much disaffected and suspected, as to make the most harsh measures necessary to restrain their pro-

ceedings against the Government, to be unfounded, unjust, and impolitic, in the highest degree. With regard to the Report, which had been so well and so justly described by his Hon. Friends, he must say, that the moment it should be produced, the hours during which it was debated, when it came to the knowledge of the French, must appear to them to be hours of joy and congratulation, and were so in reality. After all the great exertions and great talents of this Committee of Public Safety, instigated as they were by the most tremendous alarms that had ever frightened any country, what had they to shew to the country as a vindication of their conduct, and the fruits of their alarms? What was to be found in this famous Report of the *British Barrere*? Shortly this; a number of copies of idle papers, that had been printed, published, and circulated, some of them in the course of the last two years, and all of them before the commencement of the last session of Parliament. Why had they not been prosecuted at the time they appeared? Why did not the Attorney-General prosecute upon the paper signed by Martin, which of all others contained the most criminal matter? One thing, and only one, had been started that was any thing like new, and that was, that these Societies had been providing arms; that, by the way, remained merely as an assertion, for no proof on the subject had been given to the House; but if it really were so, or if any such treasonable practices existed in the country, were there not laws by which such guilty persons might be brought to adequate and condign punishment? He, for one, believed that no such practices existed in the country, and that ministers and their friends knew this to be the case; but it was necessary for them, and for their views, to keep up, or rather create, some new cause of panic to gain a continuance of power over the people, which seemed to be so much the object of their wishes. He believed most firmly that that measure was founded upon a conviction on the minds of those who introduced and supported it, that no practices existed at all, in this country, that could produce any alarm, sufficient to justify the proposal for putting the liberty and the property of the people of Great Britain at the discretion of the Executive Government, a power which never had been, nor ought to be, given, except in times of actual rebellion, or imminent and manifest danger, which none would be hardy enough to say was now the case. It was somewhat singular, that, of all the great men who composed this Committee, and he declared he seriously entertained a very high respect for the characters and abilities of many of them, none of them had come forward in defence of this measure, or to state grounds for it, except the minister.

minister. The principal argument which he had used, went to prove the illegality of Conventions, but certainly he could not be serious in using such an argument; there had been many Conventions in this country, Scotland, and Ireland, for different purposes, and none of them had ever been thought illegal. He belonged to one Society, and he believed the Right Hon. Gentleman had also been at one time a member; he was sure that the Duke of Richmond had; and though they joined in the meeting with a view to Parliamentary Reform, the avowed purpose of those societies, they held their Conventions at the Guildhall of London, with the leave of the Lord Mayor of that city, with clerks and other attendants from the Mansion-House, at their command, and from thence they published their proceedings and resolutions. In Scotland, a Convention had been held for a reform in county elections, and a Learned Gentleman (the Lord Advocate), who he hoped was in his place, presided at that meeting, and gave it the name of a *Convention*. In Ireland it was by a Convention that the Roman Catholics obtained that which was denied them, when they had used every other mode of proceeding that could be thought of, but in none of those instances had Conventions been thought illegal. With regard to the discretion of those who were to be entrusted with the extraordinary power, which a suspension of the *Habeas Corpus* Act would put into the hands of the Executive Government, it had been said that there was no danger of its being abused or perverted to improper purposes. On that point he differed widely, and had a right to deny it; because having that day seen the frivolous prettexts upon which this bold and dangerous measure was founded, there was good reason to suppose that if they had the power to detain persons suspected, they would be very apt to proceed upon suspicions equally frivolous. Besides, as it had been very properly said, if they once get the power, there might be foul play, and men might be confined upon no other grounds than those of being hostile to the measures of Administration: Nor could any man in or out of that House be safe, if they were inclined to misrepresent or distress him. Mr. Sheridan asserted, that he was warranted in his argument by the calumnies that were daily circulated against him and others in newspapers, almost avowedly employed by ministers for such detestable purposes. He despised such calumnies as much as any man could, and defied, or rather called upon, any one who could do it, to come forward with any charge against him similar to those that had been insinuated in these low and disgraceful attacks upon individuals. Where guilt could be charged and made out, let

the broad axe fall; but however much he held in contempt those scurrilous misrepresentations, it might not be amiss if Gentlemen in office would pay some attention to the characters of individual Members of that House; they ought not, at any rate, to encourage such disgraceful conduct in those who were supposed to be under their controul and direction. This he thought was not unworthy the attention of the Attorney-General; at the same time, he would say, that he never considered Gentlemen in administration so mean or base as to promote such conduct in newspapers; and it certainly, therefore, did them no honour to countenance it. The Right Hon. Gentleman had not endeavoured to lay much stress upon precedents, and it was as well for him that he did not, for he could not have produced any that would bear him out; that during the American war was not to be applied; the Bill then proposed went only to affect persons coming from America to this country at a time when danger was to be apprehended from them. In his opinion it would have been better, in the present instance, to make the Bill affect every person that belonged to any Society for carrying through any political purpose, than to subject every man in Britain to the absolute and despotic power which that measure would place in the hands of the King and his ministers. Another matter was to be observed, *viz.* that no limited time was stated for the duration of this suspension of the laws of the country. It was impossible, if this Bill passed, to satisfy the Public that many of the people who brought out those seditious and improper publications, were not suborned, and employed for the very purpose of exciting and carrying on the same system of alarm and pretended danger; and if it was attempted to carry this Bill through both Houses of Parliament, with an extraordinary degree of precipitation, he would not hesitate to say, that any minister who would, under such circumstances, advise his Majesty to pass it, deserved to lose his head.

The Chancellor of the Exchequer said that if a Bill of this sort was necessary, it certainly was equally necessary to carry it through with as much expedition as possible; it therefore was his intention to follow the precedents of former times in pressing the Bill through the House with all practicable rapidity, so that it might get through the Committee that night, and be passed the next day. Should it meet the concurrence of both Houses of Parliament, in the manner proposed, he thought it would be hard that an adviser of the Crown should forfeit his head for not recommending to his Majesty to give the Bill his negative.

Mr. Sheridan said a few words in explanation.

Mr. Grey gave notice, that if the minister persevered in pressing this measure with such precipitation, he should divide the House upon every one of the stages.

Mr. Burke declared it to be his opinion, that when the broad axe of vengeance was so broadly displayed in their view, it might not be amiss to consider a little what was that mighty provocation which seemed to call for it? It was simply this, that if a minister advised his Majesty to comply with the wishes of the other two branches of the Legislature, in giving his royal assent to a measure which they thought immediately necessary for the safety of the State, he should for such offence be sentenced to the *guillotine*. Would it not be fair to ask where this law was to be found which would inflict a punishment of such severity? Not surely in the code of British criminal law, which held it meritorious in the servants of the King to keep up the best possible understanding between him and his Parliament. The philosophy of France, however, was so inexhaustible in sanguinary precedents, that possibly something might be found in the proceedings of the Revolutionary Tribunal, which might sufficiently suit the circumstance in question.

Without meaning, in the smallest degree, to dispute the magnanimity of the Hon. Gentleman (*Mr. Sheridan*) in despising newspaper attacks, and never subjecting them to a prosecution, he could not easily believe that his provocations were not such as might be easily paralleled. A man so prominent upon the theatre of politics, and who possessed, as he unquestionably did, uncommon genius and activity, must naturally expect to be drawn before the scrutinizing tribunal of a newspaper; and he was much deceived if that Gentleman, generally speaking, was not mercifully dealt with. At least, he never knew a Gentleman so much in the eye of the Public, who had fared better with our diurnal censors. He thought it, therefore, rather strange, that when he declined the invidious task of prosecuting those papers, in which he was traduced, he should be so ready to confer that employment upon the Attorney-General. If his advice could have any weight, he would recommend to the Learned Gentleman not to accept of the commission, lest he should draw upon himself that animadversion from which he attempted to free his neighbour. It was, he believed, frequently true, that physicians who attended hospitals, in the hopes of effecting a cure, fell victims themselves to the infectious disorder, which had not, perhaps, so fatal an effect upon their patients.

Mr.

Mr. Burke proceeded to controvert the arguments of Mr. Fox respecting the inference he had drawn from the Convention of the Roman Catholics of Ireland. Whatever might have been the Right Hon. Gentleman's motive in applying those observations, he was not so ignorant of logic as not to know they were irrelevant: For Mr. Fox undoubtedly was nothing less than a fool, except when he chose to mask himself like the elder Brutus, and assume the disguise of ideotcy the better to assert the liberties of his country. The Roman Catholics, after having respectfully petitioned the Legislature, and experienced a treatment unmeritedly scornful, formed a "Meeting of Delegates," to which they did not give the name of a Convention. Their object, moreover, was a special and avowed one; whereas the Convention which this Bill referred to, meant to erect itself into a paramount power over the constituted authorities, the inanity and inutility of which they made no scruple of declaring. It would also appear, that their projects were now in a state of maturity, and that they were preparing to furnish themselves with arms which might enable them to follow the example of France. In proof of these intentions, Mr. Burke read some extracts from a book published some time since by the Revolutionary Society.

He acknowledged that ministers must always owe to the People a qualified responsibility for all their public actions; and if they abused the power, that was necessarily, but in confidence reposed in them, it would be a proper subject for future examination. In the measure now proposed, supposing the extreme case of the power being abused, he contended, that it could not have any thing like the bad consequences that would result from suffering this Convention to go on from bad to worse undisturbed in their proceedings. The *Habeas Corpus* was unquestionably one of our most invaluable securities; but, in times of great emergency, even that must be given up for the moment, with a view to the preservation of the whole.

At the period of the rebellion of 1715 and 1745, many great houses were divided between the claims of the Stuarts and those of the House of Hanover. Happily, by the suspension of the *Habeas Corpus* Act, the chiefs and principals of several noble families, at this time the ornaments of their country, were safely locked up in the Tower, which if in condition to take any part in the contest, the consequence might have been, that their fortunes would have been confiscated, themselves brought to the scaffold, and the families extinguished. It might possibly happen, that the same salutary-effects might arise from the adoption at present of similar precautions.

Mr.

Mr. Sheridan begged to set the Hon. Gentleman right on one point. He had never said that he despised newspapers, but the calumnies that had been thrown out against him in a particular paper, supposed to be under the immediate direction of Government; neither had he requested that the Attorney-General might prosecute on his account.

The Attorney General (Sir John Scott) said, that he wished to pay every respect to the Hon. Gentleman (*Mr. Sheridan*); and no man regretted more than he did the calumny and abuse on private characters, that were but too frequently circulated in newspapers; but while Gentlemen called upon him to prosecute libels on private characters, he begged leave to remonstrate with those Gentlemen, that if they clogged his proceedings as Attorney-General, by forming societies to support those under prosecution, was it not only giving an indirect encouragement, or, as far as it went, a positive assurance of support, in case of a prosecution for libels? How very difficult was it, then, for him to act in such a case?

It had been stated in that House, that he had proceeded with lenity; which seemed to be an insinuation conveying reflection on the prosecutions in another part of the kingdom. If he had been able to trace the combination which appeared in the Committee of which he had the honour to be a Member, he most undoubtedly would have prosecuted those persons who had the audacity to publish the Resolutions signed by a person of the name of *Martin*, and which were contained in the Report then before the House. In Scotland, these people had appeared as delegates from those Societies, and acted in open defiance of the laws of the country. It was not fair by any means to draw an inference, that, because severe prosecutions were not instituted here, the prosecutions in Scotland were not founded on just and proper grounds. He was ready to say, that he was most completely convinced that the prosecutions there instituted, and the determination of those prosecutions made, were instituted and made on the most complete evidence. There they had thrown off that disguise, which until lately they had maintained in this country. He thanked God, that he had from circumstances been placed in the situation of Attorney-General of England at this time; and he flattered himself that nothing would be done that was not consistent with the most perfect justice; but at the same time he must say, that legal forms were slow, and required time to bring persons under the judgment of the law. So great was the combination of those people who had formed the plan of subverting the constitution, that it was a measure that he felt the

the most necessary of any adopted in this country. He was free to say, that upon that measure, in his humble judgment, depended the salvation of the inestimable constitution we enjoyed, and the preservation of the happiness and liberty of the country.

Mr. Fox explained—He said, he certainly had disapproved of many of the prosecutions, as contrary to law, and to all constitutional principles. It was not necessary for him to say, if he meant, or when he might bring them before the wisdom of Parliament, but certainly he would not hesitate to mention some that he thought were well worthy of their notice.—First, those which had taken place in another part of the country;—then the prosecutions of *Mr. Walker*, at Manchester; *Mr. Philips*, at Leicester; *Rev. Mr. Winterbotham*, and all the others that were carried on for words slightly spoken. There was another, where he could not be supposed to have any partiality for the party concerned; he meant *Frost's trial*, the proceedings on the whole of which he considered to be illegal.

The Attorney General and *Mr. Wigley* said, they should be ready to defend the proceedings at Leicester (of which place *Mr. Wigley* is Recorder).

The House then divided on the motion for bringing in the Bill, when the numbers were,

For it	-	201
Against it	-	39

Majority 162

Mr. Grey rose to move a Call of the House, that Gentlemen might have time to consider a proposition, of which, till that day, none but the friends of the minister had had the least notice, and that those who living out of town could have had no notice whatever, might have an opportunity of attending.

The Chancellor of the Exchequer expressed his surprise at the indiscretion of a motion, the only tendency of which must be to defeat the object of the Bill. What fuller attendance could the Hon. Gentleman expect, unless he estimated the number of Members present from the small minority in which he had just voted?

Mr. Fox argued in support of the motion of his Hon. Friend. He contended that the delay of one week could not make any material difference as to the object in view; if the object was punishment, there must be criminality, and the present laws were fully adequate to that: If it was merely to prevent the escape of a few guilty persons from justice, that demanded so unprecedented a measure, he maintained that it

was

was scandalous for a single moment to surrender the liberties of the whole kingdom on such an account. He lamented that the old established laws known to the constitution had not been applied to the evil, if any existed; as he should ever contend that it was an infamous libel on the constitution to say, that it was only able to maintain itself in times of peace and tranquillity, and must be surrendered in times of danger and difficulty. He wished to know for what length of time this suspension was to continue, or how it could possibly be necessary? Was it said, that when we were engaged in a war upon such honourable principles, as to be approved by the whole kingdom, and that at a time when there was the most popular administration that ever governed in that kingdom, who had on every occasion a majority of ten-to one; was it at such a time, that we found it necessary to suspend the *Habeas Corpus Act*, from the apprehension of an insurrection in the heart of the kingdom? Mr. Fox asserted, that the pretences brought forward to support this measure, were the most flimsy and bare-faced he had ever witnessed, and the measure itself the most daring and impudent. It was true that since Terror became the Order of the Day (to use a French mode of expression) those opinions might be awhile stifled, but they would only be suppressed for a time; they would rankle in secret; curses would follow; not loud, but deep: And what might be the final event no man could say. After this measure should have passed, he doubted whether it would be worth the while of any of those who acted with him to attempt to oppose any thing in that House; if violences were to succeed, he should feel, at his last moments, the consolation of having done every thing in his power to avert the impending evil from his country; and he did not think, in case of any disturbance, that one head in that House would be more secure than another.

Mr. Grey said, that he should not have found it necessary to add a single word to what had fallen from his Hon. Friend, had not the Hon. Gentleman (the Chancellor of the Exchequer) taken the liberty to cast some personal reflections on him; but his rebuke he did not feel; he considered it the overflowing of an arrogant mind, swelled with over-long enjoyment of ill-gotten power. He admired the Hon. Gentleman's abilities; he never had denied them; but talents, however transcendent, when unsupported by honour or honesty, should never meet respect from him. On the subject of Parliamentary Reform, he would say that, notwithstanding the reflections cast on it, it was a cause he would never desert, under any change of time or circumstances; nor would he, to

preserve power, or gratify idle ambition, ever become an apostate!

The House then divided :

<i>Ayes</i>	195
<i>Noes</i>	38

Majority 157

After this strangers were excluded the gallery; so that we can only inform the Public, generally, that the Bill was passed through the several stages of first and second readings, voted into the Committee, its various clauses adjusted and agreed to, the report ordered to be made immediately, and received.

During this, the Members who opposed the proceedings divided the House many times; one of these was upon a question of adjournment, moved by *Mr. Courtenay*, for the purpose of affording the House time to reflect upon the measure they were called upon to decide, but which was negatived. The Public will not expect us to state the various divisions, from our inability to ascertain the precise points upon which they took place.

At half past THREE o'clock in the morning, the Report was received, and by consent, the third reading was put off till the next day, when the House adjourned.

I N D E X

TO

Woodfall's Parliamentary Reports,

VOL. III.

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